



COUNCIL MEETING

7.30 pm Wednesday, 7 September 2022
At Council Chamber - Town Hall

Members of the Council of the London Borough of Havering are advised that a meeting of the Council is scheduled to take place on the date and time shown above to deal with the business as shown below.

Alison McKane
Monitoring Officer

For information about the meeting please contact:
Anthony Clements tel: 01708 433065
anthony.clements@oneSource.co.uk



Please note that this meeting will be webcast.

**Members of the public who do not wish to appear
in the webcast will be able to sit in the balcony,
which is not in camera range.**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

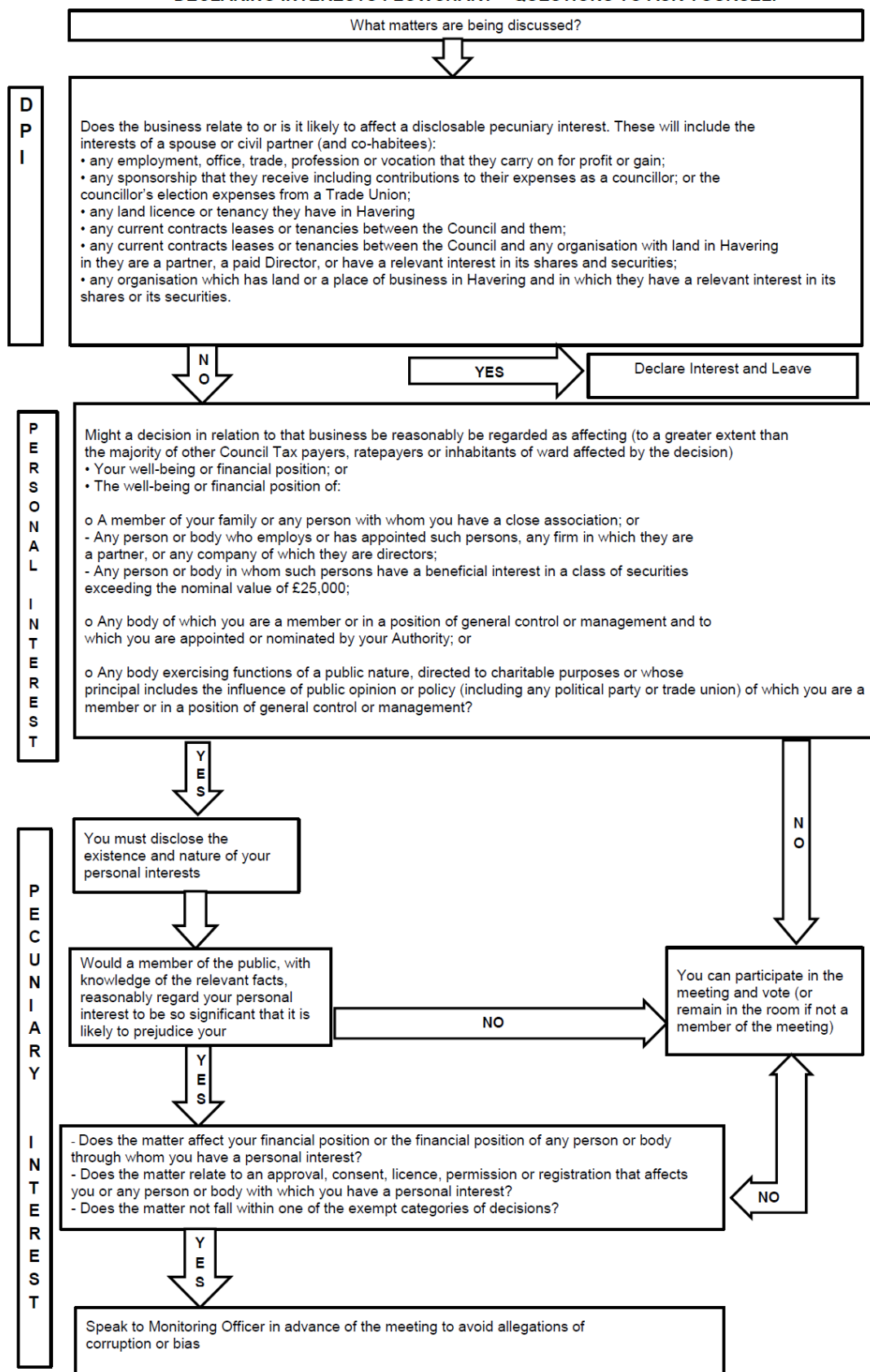
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA

1 PRAYERS

2 APOLOGIES FOR ABSENCE

Apologies have been received from Councillor David Godwin,

To receive any other apologies for absence.

3 MINUTES (Pages 1 - 18)

To sign as a true record the minutes of the Meeting of the Council held on 13 July 2022 (attached).

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 an item at any time prior to the consideration of the matter.

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE

To receive announcements (if any).

6 PETITIONS

Notice of intention to present a petition has been received from Councillors Christine Vickery and Matthew Stanton.

7 ANNUAL TREASURY MANAGEMENT REPORT 2021/22 (Pages 19 - 38)

NOTE: The deadline for amendments to reports published with the final agenda is midnight, Monday 5 September 2022.

Report attached.

8 REVIEW OF THE COUNCIL'S CONSTITUTION (Pages 39 - 98)

Report of Governance Committee attached.

9 MEMBERS' QUESTIONS (Pages 99 - 102)

Attached.

10 MOTIONS FOR DEBATE (Pages 103 - 104)

Attached.

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**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Council Chamber - Town Hall
13 July 2022 (7.30 - 10.25 pm)**

Present: The Mayor (Councillor Trevor McKeever) in the Chair

Councillors Councillors Ray Best, Patricia Brown, John Crowder, Philippa Crowder, Keith Darvill, Osman Dervish, Brian Eagling, Sarah Edwards, Gillian Ford, Oscar Ford, Jason Frost, Laurance Garrard, Martin Goode, Linda Hawthorn, Judith Holt, Jane Keane, Jacqueline McArdle, Paul McGeary, Paul Middleton, Ray Morgon, Barry Mugglestone, Stephanie Nunn, Gerry O'Sullivan, Sue Ospreay, Dilip Patel, Nisha Patel, Keith Prince, Timothy Ryan, Carol Smith, Christine Smith, Matthew Stanton, Natasha Summers, David Taylor, Katharine Tumilty, John Tyler, Christine Vickery, Bryan Vincent, Frankie Walker, Michael White, Reg Whitney, Julie Wilkes, Christopher Wilkins, Graham Williamson, Darren Wise and John Wood

8 Members' guests and members of the public also present.

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The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Father Roderick Hingley, of the Church of St Alban, Protomartyr, Romford opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

Council noted a statement from Councillor Martin Goode who felt that the seating plan for the meeting, and lack of consultation on this, were unacceptable.

15 APOLOGIES FOR ABSENCE (agenda item 2)

Apologies were received from Councillors Mandy Anderson, Robert Benham, Joshua Chapman, James Glass, David Godwin, Robby Misir, Viddy Persaud, Philip Ruck and Damian White.

16 **MINUTES (agenda item 3)**

The minutes of the Annual Council meeting held on 25 May and 13 June 2022 were before the Council for approval.

Council noted a statement by Councillor Goode that several points of clarification he had made at the meeting on 13 June had not been included in the minutes.

The minutes of both meetings were otherwise agreed as a correct record and signed by the Chairman.

17 **DISCLOSURE OF INTERESTS (agenda item 4)**

There were no disclosures of interest.

18 **ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)**

No announcements were made.

19 **PETITIONS (agenda item 6)**

Petitions were received from Councillor Vickery regarding traffic calming measures in Catherine Road and Lawrence Road, Councillor Dilip Patel regarding speed restrictions in Redriff Road, Councillor Wise regarding parking restrictions in Phillida Road, Harold Wood, Councillor Wise regarding the implementation of the School Streets scheme in Harold Wood and from Councillor Stanton regarding a request for safety measures in South Street, Rainham.

20 **COMMITTEE POSITIONS (agenda item 7)**

The following positions were agreed by Council, without division:

Chairman People Overview and Scrutiny Sub-Committee – Councillor Jason Frost.

Vice-Chair, Licensing Sub-Committee – Councillor Christine Vickery.

Contested Positions

Councillor David Godwin was **ELECTED** as Vice-Chair of the Audit Committee by 25 votes to 20 for Councillor Judith Holt with 0 abstentions (see division 1).

Councillor Philip Ruck was **ELECTED** as Vice-Chair of the Pensions Committee by 25 votes to 20 for Councillor Dilip Patel with 0 abstentions (see division 2).

21 ANNUAL REPORTS OF COMMITTEES AND MEMBER CHAMPIONS (agenda item 8)

The annual reports of the following Committees and Member Champions were received by Council:

Audit Committee
Pensions Committee
Overview and Scrutiny Board
Children & Learning Overview and Scrutiny Sub-Committee
Crime & Disorder Sub-Committee
Environment Overview and Scrutiny Sub-Committee
Health Overview and Scrutiny Sub-Committee
Individuals Overview and Scrutiny Sub-Committee
Towns & Communities Overview and Scrutiny Sub-Committee

Member Champion for the Armed Forces
Member Champion for Equality and Diversity
Member Champion for the Historic Environment
Member Champion for the Over 50s
Member Champion for the Voluntary Sector Compact
Member Champion for Young People

22 MEMBERS' QUESTIONS (agenda item 9)

Fifteen questions were asked and responded to at the meeting. A summary, including of the supplementary questions asked and answers given, is attached as appendix 1 to the minutes.

23 LAUNDERS LANE SITE, RAINHAM (agenda item 10A)

Motion on behalf of the Conservative Group

In light of the deteriorating situation at site in Launders Lane, Rainham, which is placing significant pressure on the local Fire Service, this Council calls for a public meeting to be held for local residents, councillors, and other stakeholders; and for the establishment of a steering committee to receive quarterly updates on the site.

Amendment on behalf of the Havering Residents Association Group

Council is aware of the situation in Launders Lane, Rainham and notes the ability of local ward councillors address concerns by means of meetings with residents, Councillors or such other stakeholders and to use the Council's Scrutiny function as a mechanism for reviewing health and safety concerns of residents.

Following debate, the amendment on behalf of the Havering Residents Association Group was **AGREED** by 25 votes to 21 with 0 abstentions (see division 3) and **AGREED** as the substantive motion without division.

RESOLVED:

Council is aware of the situation in Launderers Lane, Rainham and notes the ability of local ward councillors address concerns by means of meetings with residents, Councillors or such other stakeholders and to use the Council's Scrutiny function as a mechanism for reviewing health and safety concerns of residents.

24 ULTRA LOW EMISSION ZONE (ULEZ) EXPANSION (agenda item 10B)

Motion on behalf of the Conservative Group

That Havering Council oppose the introduction of the ULEZ expansion, by all means within its power, and that the administration make representation to TfL and the Mayor of London opposing the ULEZ expansion to the Borough.

Amendment on behalf of the Labour Group

While Havering Council opposes the introduction of the ULEZ expansion, it recognises the impact of poor air quality on the lives of Havering residents. This Council moves that the administration make representation to TfL and the Mayor of London regarding measures that can be taken to offset the impact of vehicular pollution and reduce the number of unnecessary journeys made, without a regressive flat-rate tax which will impact our less well-off residents disproportionately.

Following debate, the amendment on behalf of the Labour Group was **AGREED** by 25 votes to 21 with 0 abstentions (see division 4) and **AGREED** as the substantive motion without division.

RESOLVED:

While Havering Council opposes the introduction of the ULEZ expansion, it recognises the impact of poor air quality on the lives of Havering residents. This Council moves that the administration make representation to TfL and the Mayor of London regarding measures that can be taken to offset the impact of vehicular pollution and reduce the number of unnecessary journeys made, without a regressive flat-rate tax which will impact our less well-off residents disproportionately.

25 **VOTING RECORD**

The record of voting decisions is attached as appendix 2 to these minutes.

Mayor

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FULL COUNCIL, Wednesday 13th July 2022

Appendix 1

MEMBERS' QUESTIONS

Disposal of Assets

- 1) **To the Cabinet Member for Development and Regeneration (Councillor Graham Williamson)**
From Councillor Osman Dervish

Can the Administration confirm if they are considering the disposal of any assets and, if so, have they identified a date to do so and which ones as well as any that have been discounted for disposal?

Answer

Thank you for your question Cllr Dervish. As you will recall, from the MTFS your administration agreed only a few months ago, there is a requirement in the overall council budget to achieve some £10m in capital receipts during 22/23. Your administration had considered a list of potential sites for disposal that council officers had compiled. This administration will review that list to establish whether we feel there are any sites that should be disposed of and what capital receipt can be achieved or whether there are any other opportunities to generate the £10m needed in the current agreed MTFS that we inherited from your administration. Any changes to the requirement to achieve the £10m receipt or proposals to dispose of individual assets will be presented to future Cabinets in the proper manner, which will include engagement with all interested stakeholders.

A supplementary question asked what would be the timescale for the disposal of any assets identified. In response, the Cabinet Member stated that it was not possible to give a specific timetable at this stage but that this would be communicated as soon as it was known.

All Age Autism Strategy

- 2) **To the Cabinet Member for Adults & Health (Councillor Gillian Ford)**
From Councillor Darren Wise

Over the last few years, there has been considerable work done by stakeholders on the All Age Autism strategy and this was due to go to Cabinet just prior to the election in May. Could the Cabinet Member confirm that the strategy will not be amended and delayed yet again and please provide a timescale for this to be issued?

Answer

We have been working with stakeholders to ensure they are all in agreement and are committed to the action plan.

The cabinet report is scheduled to be presented on 10th August cabinet meeting along with the final strategy.

Council, 13 July 2022

We do not anticipate any further delays in progressing to the final stage of publishing the all age autism strategy.

A supplementary question asked how the autism action plans would be monitored. In response, the Cabinet Member stated that Overview and Scrutiny and the Autism Board would lead on this and that she would also be involved in this work. Condolences were recorded to the family of Karen Streete who had worked extensively on the autism strategy and had recently passed away. The Cabinet Member also passed on her thanks to Councillor Wise for his work on the strategy.

Review of Council

3) To the Leader of the Council (Councillor Ray Morgon) From Councillor David Taylor

Can the administration confirm a date for when their 'root and branch' review will be complete and a report brought to Council?

Answer

The Administration will systematically work through council services over the four years of the administration.

A supplementary question asked is savings would be identified in the first 100 days of the Administration. In response the Leader of the Council reiterated that all areas of the Council would be reviewed over the next four years.

Grass Verges

4) To the Cabinet Member for Environment (Councillor Barry Mugglestone) From Councillor Martin Goode

Could the Cabinet Member please confirm, when the consultation letters were sent out to the residents that are impacted by the grass verge recommendations report, and the resulted outcome of this consultation

Answer

I thank Cllr Goode for his question.

The resident engagement letters are due to be issued this month

The consultation will cover the affected areas and will be open until the end of July 2022. Following the closure of the consultation the responses will be assessed and used to decide on the final arrangement and scheme details.

A supplementary question asked how many responses had been received to the consultation letters. The Cabinet member confirmed that the consultation letters would be sent out towards the end of July.

Special Responsibility Allowances

**5) To the Leader of the Council (Councillor Ray Morgon)
From Councillor David Taylor**

Can the administration confirm if any SRAs have been increased vs those from April 2022?

Answer

A small number of allowances have increased slightly, specifically those for the Leader, Cabinet Members, the Mayor and Overview and Scrutiny Sub-Committee Chairmen. There are now also 55 Councillors from the previous 54. It should be noted however that there are now only two Overview and Scrutiny Sub-Committees, compared to six under the previous Administration. Allowances we have abolished include those for Vice-Chairman of the Overview and Scrutiny Board and the now removed position of Deputy Cabinet Member. The abolition of the Adjudication and Review & Highways Advisory Committees as well as of the Joint Venture Working Party has resulted in further savings in Special Responsibility Allowances when compared with the previous Administration.

(No supplementary question).

Waterloo Estate Regeneration

**6) To the Cabinet Member for Development and Regeneration (Councillor Graham Williamson)
From Councillor Joshua Chapman (asked by Councillor Osman Dervish)**

Will the new Administration be seeking to reduce the density on the Council's Waterloo estate regeneration proposals? Can a timetable be given of when a detailed planning application be made to the council for the Waterloo scheme?

Answer

Thank you for your question.

The Waterloo and Queen Street scheme, including the overall density of the development, was approved by the previous administration prior to submission and subsequent consent by the Local Planning Authority.

As we go forward we will, as a prudent Administration, have regard to various factors such as housing need and demand, financial viability and market conditions and changing legislative requirements, for example around Building Safety and Climate Change. If it should become necessary to make any changes in response to these factors, then we reserve the right to make them. We will also review the overall design for the later phases of the development, as they come forward over time, looking at design features such as height and massing and the provision of open space, informed by viability, in the usual way.

The scheme will be built out over a number of years. Phase 1 which is currently underway already, has the benefit of detailed consent and will be built out in accordance with that consent. Further phases of the scheme have outline consent so it will be necessary to submit a number of reserved matters applications as we go forward; these will be submitted as appropriate in the period 2023 -2028.

A supplementary question asked if the Cabinet Member agreed that it was important to ensure certainty of build costs in developments. In response, the Cabinet Member stated that he did agree that, given the current economic turbulence, rising building costs were certainly an issue.

Local Plan

7) To the Cabinet Member for Development and Regeneration (Councillor Graham Williamson)

From Councillor Joshua Chapman (asked by Councillor Dilip Patel)

Will the Administration provide an update on the timetable for an updated local plan, and confirm whether there exists enough brownfield sites at prevent greenbelt release?

Answer

The published Local Development Scheme gives information on the Local Plan and the timetable for the work associated with the update.

The Local Development Scheme was approved at the same time as the Local Plan was adopted in November 2021.

The Local Plan update will need to be underpinned by proportionate, relevant and up to date evidence and informed by a Sustainability Appraisal. Officers are already working to update this evidence base.

The timeframe for initiating some of the updates has changed meaning that the proposed first early stage public consultation on the new Plan and its objectives is anticipated later this financial year.

The process of identifying and assessing potential sites for new development for new homes and businesses involves looking at sustainable sites that are suitable, available, viable and therefore deliverable.

The identification and assessment of these deliverable sites is at an early stage so it is not yet possible to confirm whether there exists enough brownfield sites to prevent green belt release.

A supplementary question asked if it could be confirmed that Green Belt sites would not be released for building. In response, the Cabinet Member stated that

this was a Cabinet decision. Whilst efforts would be made to release Brownfield sites first, this would depend on the housing targets for the borough.

Voluntary Redundancy Scheme

**8) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Osman Dervish**

Will the Leader of the Council give a statement on the current state of the voluntary redundancy programme; will it meet its targets of savings or does he believe that additional staffing redundancies are needed?

Answer

The Voluntary Release process is still ongoing, so I am unable to say anything further at the moment. A statement will be given once the process is complete.

A supplementary question asked when the update would be released. The Leader of the Council responded that this could not be confirmed at this stage.

Capital Spend on Highway's Network

**9) To the Cabinet Member for Environment (Councillor Barry Mugglestone)
From Councillor Osman Dervish**

Can the Administration make a statement on the expected capital spend on the Borough's highway network for each of the next four financial years?

Answer

Thank you for your question, Councillor Dervish.

The Council is committed to improving the condition of the borough's roads and pavements. I have asked for a report to be brought forward detailing the current road and pavement condition borough wide, assesses the ongoing need and levels of investment, provides a comparison between where we are now compared to where we started from, and the selection criteria for a new programme going forward.

This will enable an informed decision to be made. The Council's budget assumptions for the investment have not changed and the above will also ensure maximum value for money of any investment. I anticipate this work will be completed within the next two months.

A supplementary question asked if the Cabinet Member was committed to retaining the £10m expenditure in highways in the new Administration. The Cabinet Member responded that he was committed to this, provided that it showed value to Havering residents.

Housing Targets

**10) To the Leader of the Council (Councillor Ray Morgon)
From Councillor David Taylor**

Can the administration confirm if they have secured a meeting with Central Government, and the GLA to discuss housing targets?

Answer

Thank you for your question Councillor Taylor.

I have been clear in my commitment to working in a collaborative and engaging way with any party that has influence, power or finances over the borough and intends to maintain that position.

Efforts are being made to secure a meeting with Central Government departments, local MPs and the GLA. The Administration is committed to ensuring Havering's interests are progressed and discussed fully with all parties.

A supplementary question asked if any meetings had been agreed as yet. The Leader of the Council responded that he had met with two local MPs and would be meeting the GLA representative shortly. Efforts were also ongoing to arrange a meeting with the Mayor of London.

Corporate Forward Plan

**11) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Joshua Chapman (asked by Councillor Osman Dervish)**

When will an update corporate plan be brought forward by the Administration and will this be submitted to the scrutiny board for discussion?

Answer

I have always been very clear that I believe visibility and transparency of performance management is really important to ensure we focus on delivering the right things for our residents. The Corporate Plan is a key component of this approach.

During the lockdown period, the Council moved from Business as Usual into its Emergency Response arrangements, and a Corporate Plan was not required.

As the Councillor will be aware, the Cabinet is working closely with SLT to set Havering's Vision, and the Corporate Plan that will help set out the key areas, along with performance indicators that will show the progress.

I anticipate taking our draft Corporate Plan to Cabinet in the Autumn and hope that the Scrutiny Function will have a Critical Friend role before or after that, as it's for the Scrutiny Members to determine their work-programme. As Leader of

Council, 13 July 2022

the Council I will start as I mean to go on, and discuss this with the Chair of the Overview and Scrutiny Board, in line with the Statutory and Good Scrutiny Guidance, which advocates for a close-working protocol between the Cabinet and Scrutiny Function, which is fundamental to effective Scrutiny and ultimately better outcomes for our Residents.

(No supplementary question).

Overview & Scrutiny

**12) To the Leader of the Council (Councillor Ray Morgon)
From Councillor David Taylor**

Members were informed that only one task and finish group could be launched at any one time by an Overview & Scrutiny committee. Considering the changes to the committee structure, is this still the case? And are any savings expected?

Answer

It will be for the respective OSCs to determine their work plans and to consider what task and finish groups should be set up to look at specific areas, having regard to the needs of the Council and the available resources to support these. The administration is committed to providing training to Members of OSB to ensure the effective operation of the Scrutiny function.

A supplementary question asked for clarity over whether there was a limit of one task and finish group per Committee. The Leader of the Council stated that he had never said there was such a limit and that several task and finish groups had recently been agreed at the Overview and Scrutiny Board.

Romford Market

**13) To the Cabinet Member for Development & Regeneration (Councillor Graham Williamson)
From Councillor John Crowder**

What plans are in place to mark the 775th anniversary of the Romford market charter and will the administration confirm any additional capital investment within the Romford over the next four years.

Answer

The Council plans to mark the 775th Anniversary with an event running over the weekend of 9-11th September, celebrating the heritage of Romford Market and its Charter. Final details are being worked up across a range of stakeholders including the traders and Romford BID.

Council, 13 July 2022

The Council is keen to sustain and enhance Romford Market as a key and unique component of the borough's economy and retail offer. There have been previous investment proposals for the Market and Market Place, not all of which progressed to implementation. Our aim is to consult with the relevant stakeholders in advance of committing to appropriate and considered set of proposals aimed at rejuvenating the vitality of the Market for the benefit of residents, traders and the broader town centre.

(No supplementary question).

Support for Free School Meals

**14) To the Cabinet Member for Children's Services (Councillor Oscar Ford)
From Councillor Osman Dervish**

With the country in the midst of a cost-of-living crisis, will the administration commit to maintaining non-term time free school meal support for Havering's children?

Answer

Since 2020, the Covid Winter Grant and Housing Support Fund schemes along with funding from the Council's budget has been allocated to cover the cost of children's meals for families on welfare benefits during the school holidays. This is at the rate of £15 per week per eligible child and funding has been approved up to the end of the December 2022 holidays.

Government advise further funding will be made available from September 2022 that will enable Members to consider extending non-term time free school meal support to the end of March 2023.

Decisions are also planned in 2022, for the Housing Support Fund grant to be allocated to assist low-income households including pensioners, vulnerable adults, Care Leavers and families with children.

We await further clarification regarding future government funding.

A supplementary question asked if the Cabinet Member would ensure the service would continue to be funded, regardless of the availability of Government funding. In response, the Cabinet Member stated that he was looking at other resources due to the inherited financial situation. The position would remain under review but it was necessary to deliver a balanced budget.

Financial Savings

15) To the Cabinet Member for Finance & Transformation (Councillor Chris Wilkins)

From Councillor Joshua Chapman (asked by Councillor Keith Prince)

With the Bank of England expecting inflation to reach 11% by the end of the year, will the Administration make a statement on the expected impact that this will have upon the current financial position of the authority, and will they outline any additional savings that will be brought forward as a result?

Answer

The administration is fully aware of rising inflation rates and the consequent pressures on the Council's budget. The budget set in March did include both inflationary and demographic growth which has in part mitigated this pressure. The current level of inflation has however contributed to an in year pressure and Council is in the process of developing action plans in order to reduce costs where possible. The pressure and mitigating actions taken will be reported in the Period 3 revenue monitoring report.

A supplementary question asked when the Period 3 report would be published and the Cabinet Member confirmed that this was scheduled to be in September.

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DIVISION NUMBER:	1	2	3	4
The Mayor (Councillor Trevor McKeever)	✓	✓	✓	✓
The Deputy Mayor [Councillor Stephanie Nunn]	✓	✓	✓	✓
CONSERVATIVE GROUP				
Cllr Robert Benham	A	A	A	A
Cllr Ray Best	X	X	X	X
Cllr Joshua Chapman	A	A	A	A
Cllr John Crowder	X	X	X	X
Cllr Philippa Crowder	X	X	X	X
Cllr Osman Dervish	X	X	X	X
Cllr Sarah Edwards	X	X	X	X
Cllr Jason Frost	X	X	X	X
Cllr Judith Holt	X	X	X	X
Cllr Jackie McArdle	X	X	X	X
Cllr Robby Misir	A	A	A	A
Cllr Sue Ospreay	X	X	X	X
Cllr Dilip Patel	X	X	X	X
Cllr Nisha Patel	X	X	X	X
Cllr Viddy Persaud	A	A	A	A
Cllr Keith Prince	X	X	X	X
Cllr Timothy Ryan	X	X	X	X
Cllr Carol Smith	X	X	X	X
Cllr Christine Smith	X	X	X	X
Cllr David Taylor	X	X	X	X
Cllr Christine Vickery	X	X	X	X
Cllr Damian White	A	A	A	A
Cllr Michael White	A	A	X	X
RESIDENTS' GROUP				
Cllr Gillian Ford	✓	✓	✓	✓
Cllr Oscar Ford	✓	✓	✓	✓
Cllr Laurance Garrard	✓	✓	✓	✓
Cllr James Glass	A	A	A	A
Cllr David Godwin	A	A	A	A
Cllr Linda Hawthorn	✓	✓	✓	✓
Cllr Paul Middleton	✓	✓	✓	✓
Cllr Raymond Morgon	✓	✓	✓	✓
Cllr Barry Mugglestone	✓	✓	✓	✓
Cllr Gerry O'Sullivan	✓	✓	✓	✓
Cllr Phillip Ruck	A	A	A	A
Cllr Natasha Summers	✓	✓	✓	✓
Cllr Bryan Vincent	✓	✓	✓	✓
Cllr Reg Whitney	✓	✓	✓	✓
Cllr Julie Wilkes	✓	✓	✓	✓
Cllr Christopher Wilkins	✓	✓	✓	✓
Cllr Graham Williamson	✓	✓	✓	✓
Cllr John Wood	✓	✓	✓	✓
LABOUR GROUP				
Cllr Mandy Anderson	A	A	A	A
Cllr Patricia Brown	✓	✓	✓	✓
Cllr Keith Darvill	✓	✓	✓	✓
Cllr Jane Keane	✓	✓	✓	✓
Cllr Paul McGeary	✓	✓	✓	✓
Cllr Matthew Stanton	✓	✓	✓	✓
Cllr Katharine Tumilty	✓	✓	✓	✓
Cllr Frankie Walker	✓	✓	✓	✓
EAST HAVERING RESIDENTS' GROUP				
Cllr Brian Eagling	X	X	X	X
Cllr Martin Goode	X	X	X	X
Cllr Darren Wise	X	X	X	X
INDEPENDENT				
Cllr John Tyler	✓	✓	✓	✓
TOTALS				
✓ = YES	25	25	25	25
X = NO	20	20	21	21
O = ABSTAIN/NO VOTE	0	0	0	0
ID = INTEREST DISCLOSED/NO VOTE	0	0	0	0
A = ABSENT FROM MEETING	10	10	9	9
	55	55	55	55

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Full Council 07 September 2022

Subject Heading:

**Annual Treasury Management Report
2021/22**

SLT Lead:

Dave McNamara Section 151 Officer

Report Author and contact details:

**Tony Piggott / Stephen Wild
Treasury Manager / Head of Pensions
and Treasury
01708 434 368
Stephen Wild@oneSource.co.uk**

Policy context:

This Authority is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the prudential and treasury indicators for 2021/22. This report meets the requirements of both the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, ("the CIPFA TM code") and the CIPFA Prudential Code for Capital Finance in Local Authorities, ("the Prudential Code")

Financial summary:

**The Treasury Strategy supports the
Authority's Budget strategy.**

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

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

SUMMARY

The CIPFA TM Code requires that authorities report on the performance of the treasury management function to Full Council at least twice per year (mid-year and at year-end).

The Authority's Treasury Management Strategy Statement (TMSS) 2021/22 was approved by Full Council on the 3 March 2021. This backward looking report covers the delivery of the TMSS in 2021/22.

The Authority borrowed and invested substantial sums of money and is potentially exposed to financial risk from loss of invested funds and the revenue impact from changing interest rates. This report covers activity on treasury managed investments and borrowings and the associated monitoring and control.

RECOMMENDATIONS

This report was reviewed at the audit committee meeting on the 28th July 2022 and Full Council is recommended to note the report.

KEY HIGHLIGHTS

- Investment income outturn overachieved the 2021/22 budget by £0.076m and interest payable underspent the 2021/22 budget by £3.866m (of which £2.515m was General Fund) delivering a net underspend on the capital finance budget of £3.942m.
- The Authority's weighted average return on its investments outperformed that of the treasury adviser's benchmark London Local Authority Group.
- During 2021/22 this Authority operated within the treasury limits and prudential indicators set out in the TMSS.

REPORT DETAIL

1. Background

1.1. Introduction

This Authority is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the TM Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2021/22 the minimum reporting requirements were that the Authority should receive the following reports:

- An annual treasury strategy in advance of the year (Council 03/03/2021)
- A mid-year, (minimum), treasury update report (Audit Committee 22/02/2022)
- An annual review following the end of the year describing the activity compared to the strategy, (this report).

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Authority's policies previously approved by Members.

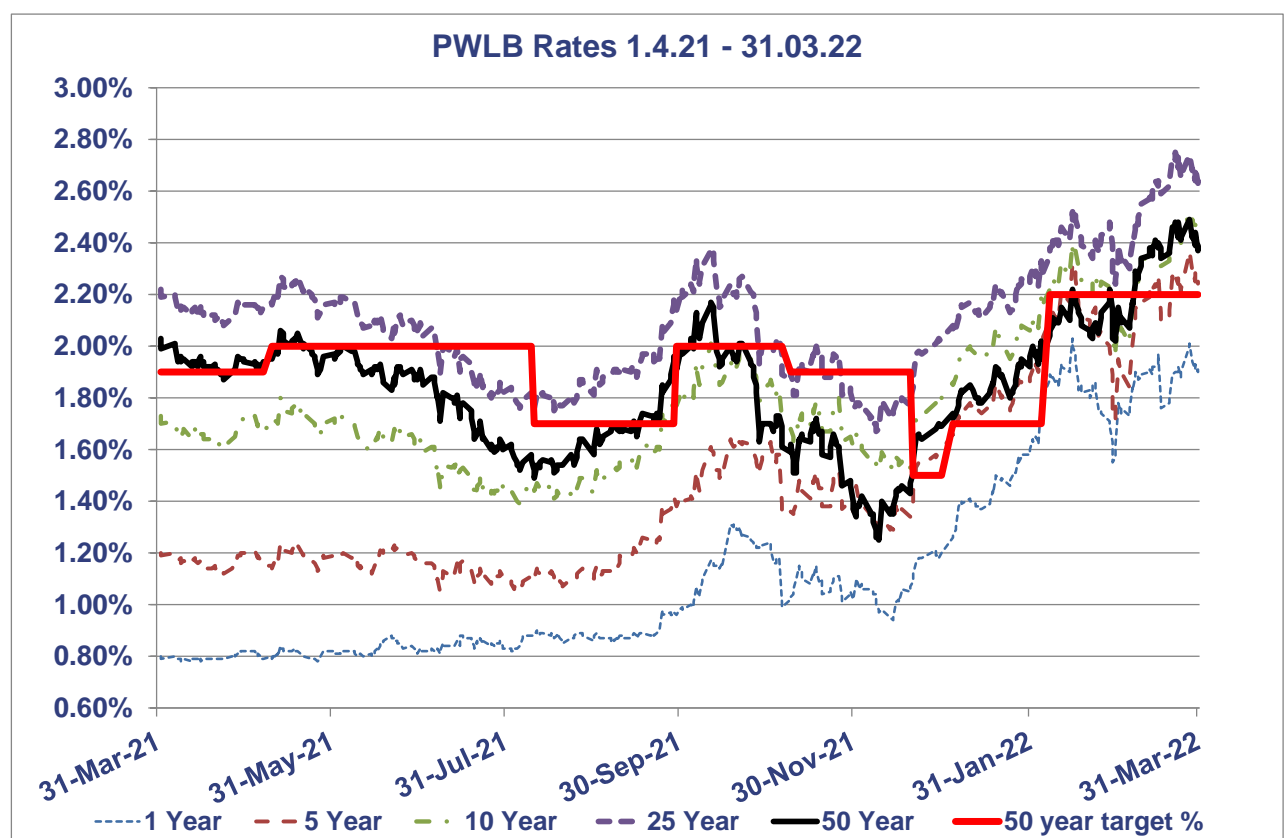
1.2. Economic

The Bank of England (BoE) Monetary Policy Committee (MPC) raised its bank rate from 0.10% to 0.25% at its meeting on 16/12/2021, 0.50% at its meeting of 4 February 2022 and then to 0.75% in March 2022. This was in response to

rising CPI inflation which rose to 6.2% in March 2022 exceeding the BoE target 2%. The BoE MPC has sought to balance economic recovery with the need to tame rising inflation. CPI inflation was boosted by the energy crisis as western economies sought to reduce their dependency on Russian energy supplied following the invasion of Ukraine.

UK Gilt yields (which drive PWLB interest rates) had fallen back toward the back end of 2021 but these started trending up in the final quarter with 2 year gilt yields reaching their 11-year high and 10 year yields at 1.65%; close to their six year high. Gilt yields across all maturities have been dragged higher since by market concerns over rising and persistent high inflation. The BoE MPC stands by its forecast that CPI inflation will peak later this year and then start falling back to its target rate in the next 2-3 years and that is expected to drag gilt yields back down.

Graph 1: PWLB Rates 2021/22



2. Treasury Management Summary

2.1 The treasury management activity in year is shown in table 1 below:

Table 1: Treasury management summary as at 31st March 2022

	01.04.21		31.03.22	2021-22	2021-22	2021-22
	Balance outstan ding	Movement	Balance outstandin g	interest	Average Balance	Weighted Average Rate
	£m	£m	£m	£m	£m	%
LONG-TERM BORROWING						
PWLB	258.234	48.890	307.124	8.366	274.300	3.05
LOBO	7.000	0.000	7.000	0.252	7.000	3.60
Short-term borrowing	10.453	(9.600)	0.853	0.002	1.382	0.15
Total borrowing	275.687	39.290	314.977	8.620	282.682	3.06
INVESTMENTS						
Long-term investments	0.000	0.000	0.000	0.000	0.000	0.00
Short-term investments	110.000	(25.000)	85.000	0.342	95.253	0.35
Cash and cash equivalents	11.100	40.900	52.000	0.030	42.142	0.07
Total investments	121.100	15.900	137.000	0.372	137.395	0.28
Net borrowing	154.587	23.390	177.977	8.248	145.287	2.78

3. Borrowing strategy

3.1 Table 2 sets out the change in the Authority's Capital Financing Requirement (CFR) in 2021/22 – this measures how the Authority's underlying borrowing need has changed in year as a result of activity on its approved capital programme and how it has been financed. The Authority's capital finance budget includes provision to fund the capital programme's expected borrowing requirement from new long term fixed rate debt.

Table 2: CFR and its financing 2021/22

£m	01/4/21 Act	31/3/22 Revised Budget	31/3/22 Act
GF CFR	190	235	189
HRA CFR	212	349	280
Total CFR	402	584	469
Financed by:			
Internal cash	109	296	154
External long term Debt:			
HRA	220.2	220	220
GF	45.4	71	95

- 3.2 The short term strategy involved using the Authority's cash balances to fund the 2021/22 borrowing requirement in the capital programme. In July 2021 the S151 officer took a decision to increase long term borrowing by £121m to fund historic capital spend and replace temporary internal borrowing. There were two £25m 50 year Fixed PWLB trades executed: one each in November and December at 1.70% and 1.43% respectively. These trades were executed below the average 50Y PWLB Certainty rate 1.85% for the year and below the 10Y and 25Y rate as shown in table 3 below.

Table 3: HIGH/LOW/AVERAGE PWLB RATES FOR 2021/22

	1 Year	5 Year	10 Year	25 Year	50 Year
01/04/2021	0.80%	1.20%	1.73%	2.22%	2.03%
31/03/2022	1.91%	2.25%	2.43%	2.64%	2.39%
Low	0.78%	1.05%	1.39%	1.67%	1.25%
Low date	08/04/2021	08/07/2021	05/08/2021	08/12/2021	09/12/2021
High	2.03%	2.37%	2.52%	2.75%	2.49%
High date	15/02/2022	28/03/2022	28/03/2022	23/03/2022	28/03/2022
Average	1.13%	1.45%	1.78%	2.10%	1.85%
Spread	1.25%	1.32%	1.13%	1.08%	1.24%

- 3.3 The Authority's debt portfolio is fixed and mainly on long maturities (average of 26 years) and with inflation currently running higher than 2.89% the real value of that debt is set to fall.
- 3.4 The S151 officer balanced the need to minimise the costs from funding the CFR by using internal cash balances and defer the drawdown of more expensive long

term debt against the protection it offers in reducing interest rate risk and stabilising capital finance costs in the budget strategy. Slippage on the capital programme in 2021/22 has meant the Authority's cash balances have remained higher than planned. This meant the focus was on deferring long term borrowing and this strategy resulted in significant savings in the 2021/22 capital finance budget detailed in table 4 below:

Table 4: Capital finance outturn 2021/22

Item	HRA £m	General Fund £m
Interest payable		
Budget – revised	7.756	4.766
Outturn	6.405	2.251
Net Underspend £3.866m	1.351	2.515
Interest receivable		
Budget – revised	0	(0.415)
Outturn*	0.105	(0.386)
Net Overachievement £0.076m	0.105	(0.029)

* includes £0.121m from a non-treasury working capital loan to Authority owned subsidiary.

3.5 Debt Rescheduling

The possibility of debt rescheduling was regularly discussed with our treasury adviser. However opportunities have been almost non-existent in the current economic climate. The current PWLB rules on redemption are prohibitive and costly.

3.6 LOBO Loan

The Authority holds a £7m LOBO loan with Danske Bank that has the option to propose an increase in the interest rate at set dates, while the Authority has the option to either accept the new rate or to repay the loan at no additional cost. The treasury adviser stated there is a low probability that the lender will propose an increased rate in the foreseeable future. Officers will continue to monitor and discuss with Danske Bank going forward

4. Investment strategy

- 4.1 As mentioned above the Authority drew down £50m PWLB debt, the impact of this combined with capital slippage of £115m meant that cash balances increased by £15.9m, ending the financial year at £137m as shown in Table 5 below. The carry cost of holding that part of the £50m PWLB debt (not required by the capital programme in 2022/23) and re-invested diminished as short term deposit rates approached the fixed rates on that debt.

- 4.2 The Guidance on Local Government Investments in England gives priority to security and liquidity and yield in that order. Officers kept treasury investments in short-term instruments in 2021/22 so they could be used to fund the capital programme whilst maintaining a liquidity buffer of between £30m-£50m as a contingency against any future credit crisis. The Authority has benefited from this strategy as it has been able to take advantage of the increase in short term interest rates. Also during the period the debt management office (DMO) was utilised for short term investment as their rates became more competitive.

Table 5: Treasury investment activity 2021/22

Investments	Balance at 31/03/21 £m	Movement £m	Balance at 31/03/22 £m	Interest Rate * %
Bank & Building Society (fixed unsecured)	15.000	35.000	50.000	0.94
Bank & Building Society (Call & Notice Accounts)	20.000	0.000	20.000	0.55
Local Authorities	75.000	(60.000)	15.000	0.35
Debt Management Office (DMO)	0.000	52.000	52.000	0.50
Total investments	110.000	27.000	137.000	0.65

* interest rates as at the 31st March 2022

- 4.3 **Appendix A** shows the breakdown of counterparties and investments for the Authority, showing the percentage each investment represents as a part of the total amount invested.

5. Budgeted Income and Return

- 5.1 The authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below:

Table 6: Treasury investment performance 2020-21

	Benchmark Return 3 month LIBOR (Average Quarterly Rate), replaced by SONIA look back and compounded from 1st Jan' 2022 %	Budgeted Rate of Return %	Budgeted Interest (Full Year) £m	Weighted Actual Rate of Return %	Interest to end of Quarter £m
Quarter 1	0.05	0.32	0.103	0.28	0.095
Quarter 2	0.05	0.32	0.103	0.23	0.076
Quarter 3	0.08	0.32	0.103	0.19	0.061
Quarter 4	0.38	0.32	0.103	0.37	0.139

- 5.2 From the 1st January 2022 LIBOR ceased to be supported and published by the banks being replaced by SONIA, see explanation in appendix C. Accordingly treasury will use SONIA going forward to benchmark activities and performance.

6. Regulatory Changes

- 6.1 CIPFA released the new editions of the Treasury Management ("TM") Code and Prudential Code on the 20/12/21. Planned Member training will cover this new edition. The key changes are:

Prudential Code

- The 2021 Code took immediate effect, except authorities can defer introducing revised reporting requirements until 2023/24 financial year (these include changes in capital strategy, prudential indicators and investment reporting). The **authority must not borrow to invest primarily for financial return, applied with immediate effect.** This authority chose to defer implementing revised reporting arrangements until 2023/24 in line with most other authorities to give time to implement the new arrangements.
- Objectives – capital plans and investment plans are affordable and proportionate; all borrowing/other long-term liabilities are within prudent and sustainable levels; risks associated with investment are proportionate to financial capacity and treasury management decisions are in accordance with good professional practice.
- Further strengthening on matters to be taken into account when setting and revising prudential indicators particularly decision making on capital investment, determining a capital strategy, prudence and affordability.

- ESG in Capital Strategy – broadened to make clear the strategy should address environmental sustainability in a manner which is consistent with the Authority’s own corporate policies on the issue.
- Commercial Property – makes clear historical asset base not impacted and that plans to divest should be part of an annual review.
- Definition of Investment – separate categories for Treasury Investment, Service Investment and Commercial Investment.
- Any decision to maintain long term Treasury Investment is left to each Authority/S151 to justify (assumption being that these are not borrowed for) and any longer term Treasury Investment to be linked to Business Model (e.g. a link to cash flow management or treasury risk management).
- CIPFA’s key concern is borrowing to invest particularly for Commercial and Service Investment -with a clear statement regarding not being prudent to make any investment or spending decision that will increase the CFR, and so lead to new borrowing, unless directly and primarily related to the functions of the authority and where any financial returns are either related to the financial viability of the project in question or otherwise incidental to the primary purpose.
- Capital Financing Requirement – Gross Debt and the capital financing requirement still a key indicator – small changes to calculation of CFR to include Heritage Assets.

Treasury Management Code

- Unlike the Prudential Code, there is no reference to effective date but this Authority will introduce reporting arrangements in 2023/24. The TM Code, require authorities to have regard to guidance under provisions of Local Government Act 2003.
- Treasury Management Practice (TMP) 1 Credit and Counterparty Risk Management – provides further clarification on ESG.
- Knowledge and Skills – TMP10 strengthened this requirement.
- TM Reporting and TM Code makes clear that reporting should set out Service and Commercial investment risks especially where this is supported by borrowing/leverage with proportionate level of any borrowing a decision for Authority/S151 – also emphasis placed “Local authorities must not borrow to invest for the primary purpose of financial return”.
- TM Code reporting frequency – a minimum annual reports before, mid-year and after the year-end.
- Liability Benchmark – CIPFA introduced the liability benchmark as a new Prudential Indicator, and state that *“the liability benchmark is a projection of the amount of loan debt outstanding that the authority needs each year into the future to fund its existing debt liabilities, planned prudential borrowing and other cash flows.”*

6.2 New PWLB Guidance: This blocks access to all PWLB borrowing in any year in which capital programme includes expenditure on an asset purely to obtain yield. This authority has no expenditure that falls into this category.

7. Compliance with Treasury and Prudential Limits

- 7.1 During the year, the Authority has operated within the treasury limits and Prudential Indicators set out in the authority Treasury Management Strategy Statement and in compliance with the authority's Treasury Management Practices. An update on indicators and limits are reported in Appendix B of this report.
- 7.2 The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.

IMPLICATIONS AND RISKS

Financial implications and risks:

The Authority uses Link Asset Services, Treasury Solutions as its external treasury management advisors.

The Authority recognises that responsibility for treasury management decisions remains with the organisation at all times. All decisions will be undertaken with regards to all available information, including, but not solely our treasury adviser.

Risk is inherent in all treasury activity. The Investment Strategy identifies the risk associated with different classes of investment instruments and sets the parameters within which treasury activities can be undertaken and controls and processes appropriate for that risk.

Treasury operations are undertaken by nominated officers as prescribed by the Treasury Management Policy Statement as approved by the Council.

Legal implications and risks:

There are no apparent legal implications or risks from noting this report.

Human Resources implications and risks:

There are no HR implications from this report

Equalities implications and risks:

There are no Equalities implications arising from this report.

The report has no direct equalities implications.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

Health and Wellbeing implications and risks:

The Council is committed to improving the quality of life and wellbeing for all Havering employees and residents in respect of socio-economics and health determinants. Whilst there are no direct implications to the Council's workforce and residents health and wellbeing as a result of this report.

BACKGROUND PAPERS

None

Appendix A

List of the Authority's deposit takers at 31/3/22

Counterparty Name	Amount	Percentage of total amount
DMADF (Debt Management Account Deposit Facility)	£52,000,000	37.96%
National Westminster Bank plc	£25,000,000	18.25%
Santander UK plc	£20,000,000	14.60%
Goldman Sachs International	£20,000,000	14.60%
Mid Suffolk District Council	£5,000,000	3.65%
London Borough of Southwark	£5,000,000	3.65%
Fife Council	£5,000,000	3.65%
Australia and New Zealand Banking Group Limited	£5,000,000	3.65%
Total	£137,000,000	

Compliance Report

All treasury management activities undertaken during the financial year complied fully with the CIPFA Code of Practice and the authority's approved Treasury Management Strategy. Compliance with specific treasury limits is demonstrated in tables below.

1.1 Interest Rate Exposures

- 1.1.1 This indicator is set to control the Authority's exposure to interest rate risk on its debt portfolio. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of gross principal borrowed will be:

Table1: Interest rate exposure activity

	2021/22 Limit %	2021/22 Actual %	2021/22 Limit %	2022/23 Limit %
Upper limit on fixed interest rate exposure	100	100	100	100
Upper limit on variable interest rate exposure	25	0	30	30

Fixed rate borrowings are those borrowings where the rate of interest is fixed for the whole financial year. Instruments that mature during the financial year are classed as variable rate.

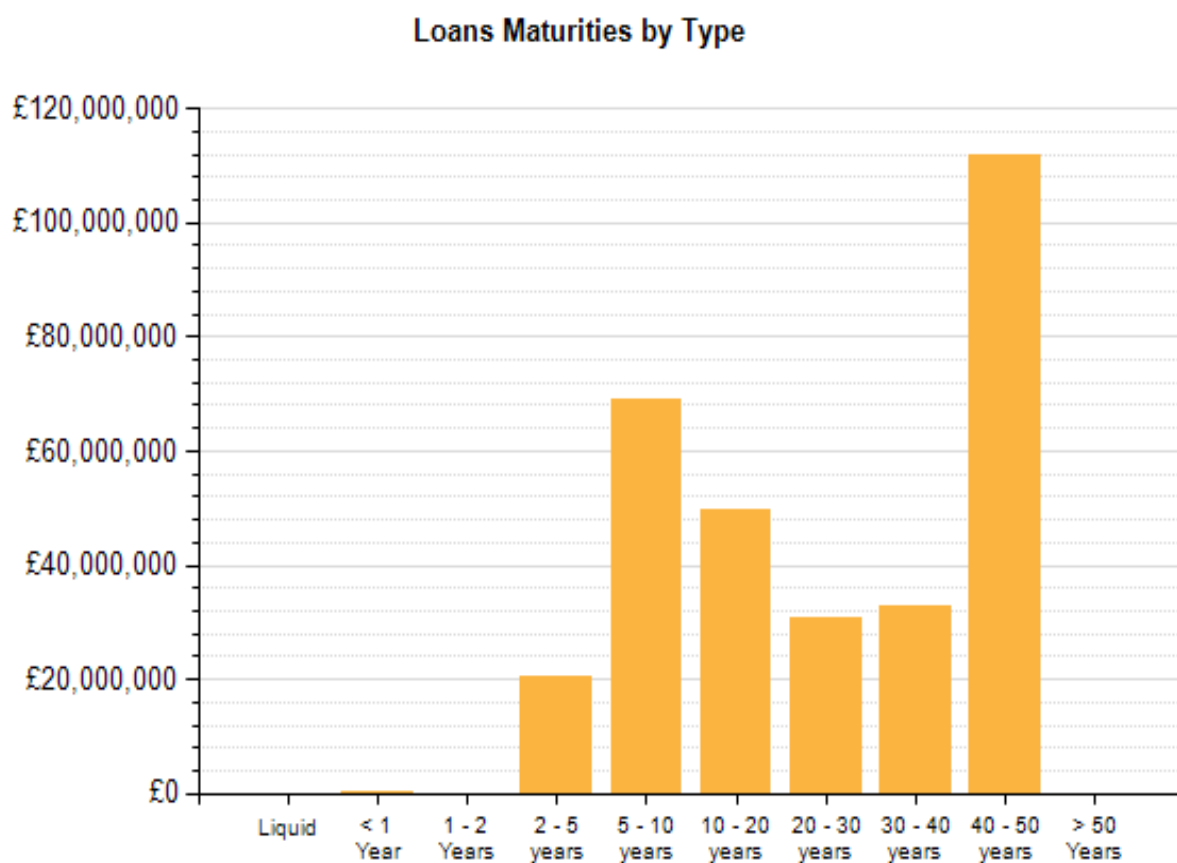
- 1.1.2 Having larger amounts of fixed interest rate borrowing gives the Authority greater stability with regards to its interest payments and reduces the risk of higher interest costs should interest rates rise. Traditionally local authorities have taken advantage of fixing interest rates long term to reduce interest rate exposure. The table excludes Salix Finance loans as these are held at zero interest hence no interest rate exposure.

1.2 Maturity Structure of Borrowing

- 1.2.1 This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing will be:

Table 2: Loan maturity structure

	Upper %	Lower %	Actual %
Under 12 months	40	0	0.2
12 months and within 24 months	60	0	0
24 months and within 5 years	80	0	6.5
5 years and within 10 years	100	0	21.9
10 years and above	100	0	71.4



Tenor Bucket	Fixed	rate
Liquid	£0	
< 1 Year	£100,000	0.17%
1 - 2 Years		
2 - 5 years	£20,553,506	3.09%
5 - 10 years	£69,036,518	3.26%
10 - 20 years	£49,574,400	3.34%
20 - 30 years	£30,753,158	3.42%
30 - 40 years	£32,959,855	5.03%
40 - 50 years	£112,000,000	1.66%
> 50 Years		
Total	£314,977,437	2.89%

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment. The average maturing life of the long term debt is 26 years.

1.3 Principal Sums Invested for Periods Longer than 364 days

- 1.3.1 The purpose of this indicator is to control the authority's exposure to the risk of incurring losses by seeking early repayment of its investments.
- 1.3.2 The limits set in the 2021/22 treasury management strategy in comparison to the quarter one is set below. It is the authority's policy to classify investments with maturities exceeding one year as Long term investments.

Table 3: Investments for periods longer than 364 days

	2021/22 Limit £m	2021/22 Actual £m	2022/23 Limit £m
Limit on principal invested beyond year end	120	-	120

1.4 Security Treasury Indicator

- 1.4.1 The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio.

Table 5: Security Treasury Indicator

	31.03.22 Actual	2021/22 Target
Portfolio average credit rating	A+	A+

1.5 Gross Debt and the Capital Financing Requirement (CFR)

- 1.5.1 In order to ensure that over the medium term debt will only be for a capital purpose, the Authority should ensure that debt does not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years. This is a key indicator of prudence. The estimates below are based on those set out in the approved TMSS 2022/23 – the capital programme is currently under review and are likely to change.

Table 6: Gross debt and the CFR at 31st March 2022

	31.03.22 Actual £m	31.03.22 Estimate £m	31.03.23 Estimate £m	31.03.24 Estimate £m
Long-term External Debt	315	315	704	881
General Fund	124	155	168	176
Housing HRA	280	349	468	546
Regeneration	65	82	168	259
TOTAL CFR	469	584	804	981
Internal Borrowing	154	293	100	100

- 1.5.2 Total debt is expected to remain below the CFR. Officers will draw down long term debt when conditions merit it. Actual debt levels are monitored against the Operational Boundary and Authorised Limit for External Debt as below.

1.6 Operational Boundary for External Debt

- 1.6.1 The operational boundary is based on the authority's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. These limits may be reviewed as part of mid-year TMSS report in the event of a change in the interest rate outlook and the decision is made to fund the increase in CFR from external debt.

Table 7: Operational Boundary

Operational Boundary	2021/22 £m	31.03.22 Actual	2022/23 £m	2023/24 £m
Borrowing	465	315	865	1,130
Other long-term liabilities	10	0	10	10
Total	588	315	875	1,140

1.7 Authorised Limit for External Debt

- 1.7.1 The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the authority can legally borrow. The authorised limit provides headroom over and above the operational boundary for unusual cash movements

Table 8: Authorised limit for external debt

Authorised Limit	2021/22 £m	2022/23 £m	2023/24 £m
Borrowing	804	1,053	1,153
Other long-term liabilities	10	10	10
Total Debt	814	1,063	1,163
Long Term Debt	315	315	315
Headroom available (amount)	499	748	848

A bond is a debt instrument in which an investor lends money for a specified period of time at a fixed rate of interest. The issuing entity could be corporate, financial or government.

A floating rate note (FRN) is a money market instrument with a Floating/variable rate of interest, which re-fixes over a reference rate, for example 3 month LIBOR.

Bail in is rescuing a financial institution on the brink of failure by making its creditors and depositors take a loss on their holdings. A **bail-in** is the opposite of a **bail-out**, which involves the rescue of a financial institution by external parties, typically governments using taxpayer's money.

Certificates of deposit (CDs) are a negotiable form of fixed deposit, ranked pari passu with fixed deposits. The difference is that you are not obligated to hold the CD to maturity, you can realise the cash by selling in the secondary market.

Coupon is the total amount of interest a security will pay. The coupon period depends on the security. A CD will often pay interest at maturity, while a bond may pay semi-annually or annually and an FRN will most likely pay every 3 months.

Covered bond Covered bonds are conventional bonds (fixed or floating) issued by financial institutions, that are backed by a separate group of loans, usually prime residential mortgages. This lowers the creditor's exposure to default risk, enhancing the credit. This is why the issue is usually rated AAA, higher than the rating given to the issuer reduces exposure to bail-in risk.

Credit rating A measure of the credit worthiness of a borrower. A credit rating can be assigned to country, organisation or specific debt issue/ financial obligation. There are a number of credit ratings agencies but the main 3 are Standard & Poor's, Fitch or Moody's.

MIFID is the Markets in Financial Instruments Directive. A European Union Directive.

Principal is the total amount being borrowed or lent.

Spread is the difference between the buy and sell price of a security. It can also be the gap, usually in basis points, between the yield of a security and the benchmark security.

SONIA sterling overnight interest average rate, the average rate at which banks offer funds in the overnight sterling market.

Monetary Policy Committee (MPC) is a committee of the [Bank of England](#), which meets for three and a half days, eight times a year, to decide the official [interest rate](#) in the [United Kingdom](#) (the [Bank of England Base Rate](#)).

CPIH (Consumer Prices Index including owner occupiers' housing costs) The new additional measure of consumer price inflation including a measure of owner occupiers' housing costs (OOH). CPI inflation measure excludes housing costs.

Treasury bills (T-bills) are UK government rated, short-dated form of Government debt, issued by the Debt Management Office (DMO) via a weekly tender. T-bills are normally issued for one, three or six month duration.

Borrowing Requirements The principal amount the Council requires to borrow to finance capital expenditure and loan redemptions.

Capital Financing Requirement (CFR) Capital Financing Requirement- a measure of the Council's underlying need to borrow to fund capital expenditure.

Counterparties Organisations or Institutions the Council lends money to e.g. Banks; Local Authorities and MMFs.

Credit Default Swap (CDS) A kind of protection that can be purchased by MMF companies from insurance companies (for their investment) in exchange for a payoff if the organisation they have invested in does not repay the loan i.e. they default.

Credit Watch A scoring system issued by credit rating agencies such as Fitch, Moody's and Standard & Poors that indicate the financial strength and other factors of a bank or similar Institution.

Interest Rate Exposures A measure of the proportion of money invested and what impact movements in the financial markets would have on them.

Market Loans Loans from banks available from the London Money Market including LOBOS (Lender Option, Borrowing Option) which enable the authority to take advantage of low fixed interest for a number of years before an agreed variable rate comes into force.

Money Market Fund (MMF) A 'pool' of different types of investments managed by a fund manager that invests in lightly liquid short term financial instruments with high credit rating.

Minimum Revenue Provision (MRP) This is the amount which must be set aside from the revenue budget each year to cover future repayment of loans.

REPORT OF THE GOVERNANCE COMMITTEE

Full Council: 7 SEPTEMBER 2022

REVIEW OF THE COUNCIL'S CONSTITUTION

At its meeting on 24 August 2022, the Governance Committee agreed a report (attached) regarding commencing a full review of the Constitution. The noting of minor changes made by the Monitoring Officer under her delegated powers and the setting up of a Constitution Review Working Group were agreed by the Committee at its meeting. The other proposed Constitution changes as shown in appendix 2 to the report require the approval of Council and the Governance Committee accordingly recommends to Council that these be agreed.

RECOMMENDATION:

That Full Council agrees the proposed changes to the Constitution as shown in appendix 2 to the report.

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GOVERNANCE COMMITTEE

24 August 2022

Subject Heading:

Review of the Council's Constitution

SLT Lead:

Alison McKane

Report Author and contact details:

Manjia Grant
Principal Governance Lawyer
Manjia.Grant@onesource.co.uk

Policy context:

The Governance Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.

Financial summary:

None

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

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

SUMMARY

To note proposals to undertake a full review of the Council's Constitution and to approve the setting up of a cross party working group to oversee the review.

RECOMMENDATIONS

That the Governance Committee:

- 1 Notes the changes to the Constitution made by the Monitoring Officer as set out in Appendix 1.
- 2 Considers the proposed changes to the Constitution set out in Appendix 2 and approves these for recommendation to Full Council.
- 3 Agrees to the setting up of a cross party working group (“the Constitution Review Working Group”) with a membership as recommended at 1.5 below, to undertake a full review of the Constitution.

REPORT DETAIL

- 1.1 Section 37 of the Local Government Act 2000 requires a local authority operating executive arrangements to prepare and keep up to date a constitution, which sets out how the Council operates and how decisions are made. This is an on-going process requiring periodic review.
- 1.2 A key role for the Governance Committee is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended, in order to achieve the Council’s aim of ensuring that decisions are properly made and are efficient, transparent and accountable to local people.
- 1.3 In accordance with Article 11 of the Constitution, the Monitoring Officer has delegated power to amend the Constitution to correct errors, insert obvious omissions, to comply with any legal requirement and to reflect organisational changes to the Council’s structure. Where necessary amendments are made under this authority, the Monitoring Officer must notify the Governance Committee at the first reasonable opportunity. The amendments made by the Monitoring Officer are set out in Appendix 1 and include a correction to the number of councillors following the Local Government Boundary Commission Review; insertions to the list of enactments to be enforced by the Assistant Director for Environment and the deletion of the outdated management structure chart.
- 1.4 In addition to these amendments, Governance Committee is referred to the proposed amendments at Appendix 2 for recommendation to Full Council. These include amendments to the scheme of delegation to reflect the current council structure and a proposed change to the procedure for the dealing with allegations that a Member has failed to comply with the code of conduct.
- 1.5 Every Local Authority needs to review its Constitution regularly to ensure that it is up to date. This is a piece of work which will require looking at all sections of the Constitution and will provide the opportunity to ensure that it reflects the council’s values and aspirations and aids the achievement of the

corporate plan and objectives. Some examples of areas for review are set out at Appendix 3. It is suggested that a Cross Party Working Group is established, consisting of members from Governance Committee and relevant officers, to discuss revisions to the Constitution and to provide a regular report to Governance Committee on any proposed amendments that will be recommended for approval.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications arising from this report.

Legal implications and risks:

Changes to the constitution must be approved by Full Council only after consideration of recommendations made by the Governance Committee.

Human Resources implications and risks:

None

Equalities implications and risks:

There are no specific equalities implications arising from this report..

Climate Change Implications and Risks:

None.

BACKGROUND PAPERS AND APPENDICES

Appendix 1 – Schedule of changes made by the Monitoring Officer

Appendix 2 – Schedule of proposed changes to be considered by Governance Committee

Appendix 3 – Non exhaustive list of suggested areas for review by the newly formed Constitution Working Group

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Appendix 1 – schedule of changes to be made by the Monitoring Officer

Description of Change	Section / Page Number	Amendment
Administrative – to correct the number of Havering councillors	Various references to 54 councillors	To amend the figure to 55 , following the Local Government Boundary Commission Review
Administrative – to correct the omission of legislation	Part 3.8.3 – Functions delegated to AD for Environment [Appendix A, list of enactments, page 109 – 116 of the Constitution]	To insert the following in list of enactments to be enforced by AD for Environment: <ul style="list-style-type: none"> • Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 • Environment Act 2021 • Environmental Permitting (England and Wales) Regulations 2016 • Housing Act 2004 • Housing & Planning Act 2016 • London Local Authorities Act 1990 (Part II) • Slaughter of Poultry Act 1967
Administrative – to delete the management structure chart	Part 7 – Management Structure [page 419 of the Constitution]	To remove the outdated structure chart and replace with a current structure chart

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Appendix 2 – Schedule of Proposed Changes

Description of Change	Section of Constitution	Amendment
Amendment to terms of reference (TOR)	Part 3, Responsibility for Functions Section 1.2 [Functions delegated to General Council Committees]	To amend the Governance Committee TOR, following review of the Committee Structure and decommission of Adjudication and Review Committee (ARC). To delete references to the ARC and Highways Advisory Committee (HAC) (Appendix 2a/2b)
Committee Structure	Part 3, Section 1.4 Overview and Scrutiny Sub-Committees	To reflect the structure approved at June 2022 Full Council, reducing the number of O & S sub-committees to 2. (Appendix 2a / 2b)
Amendment to Scheme of Delegation	Part 3, Responsibility for Functions Section 2.1 [General Functions of Cabinet]	To correct an anomaly and amend s 2.1 (q) to include provision for the acceptance of grant funding; [Appendix 2c] <i>(Cabinet may currently approve the submission of a bid, but cannot accept them. The amendment rectifies this and avoids the need for two different decision-makers)</i>
Procedural	Part 5.2, [Arrangements for dealing with allegations that a Member has failed to comply with the Members' Code of Conduct]	To amend paras 4.4 - 4.6 of the procedure to include provision for the Monitoring Officer to have discretion to reject a complaint that is not deemed sufficiently serious to warrant a referral. To delete references in the procedure to the ARC [Appendix 2d]

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1 Council functions

1.1 Functions exercised by full Council alone

Only the Council will exercise the following functions:

- (a) adopting the constitution
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.04
- (g) changing the name of the area, conferring the honorary freedom of the borough or appointing honorary aldermen
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (j) the decision to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption of the members' code of conduct
- (m) approving the annual pay policy statement
- (n) Resolution to make a change in governance arrangements
- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which the Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Council.

1.2 Functions delegated to general council committees

The following functions are delegated to the general council committees. Any reference to “the regulations” is a reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as subsequently amended. Reference is made to the following functions:

- * functions not to be the responsibility of an authority’s Executive, set out in Part 3, section 4 (delegated in accordance with schedule 1 of the regulations)
- * local choice functions, set out in Part 3, section 5 (delegated in accordance with schedule 2 of the regulations).

Council committee	Functions
Audit	<p>Internal control</p> <ul style="list-style-type: none"> * To consider and monitor the adequacy and effectiveness of the authority’s risk management and internal control environment and to make recommendations to full Council where necessary <p>External audit</p> <ul style="list-style-type: none"> * To monitor the adequacy and effectiveness of the External Audit Service and respond to its findings <p>Internal audit</p> <ul style="list-style-type: none"> * To support the Officers with their delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit * To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager * To approve the Annual Statement of Accounts, including the Annual Governance Statement, and to recommend as necessary to the Governance Committee regarding the committee’s responsibilities to monitor corporate governance matters generally. * To monitor proactive fraud and corruption arrangements
Governance	<p>Monitoring constitution</p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> * To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect * To make recommendations to the Council about amending the constitution * To monitor and review the Members’ Allowance Scheme and make recommendations to Council * To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations

Council committee	Functions
	<p>Staff disciplinary, capability and grievance procedures</p> <ul style="list-style-type: none"> * Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager from the decision of a panel of the Appointments Committee. * Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager * Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by "Havering Grade" staff. <p>Appointments and dismissals</p> <ul style="list-style-type: none"> * To make recommendations to Council about appointing and dismissing the Head of Paid Service. * To appoint and dismiss SLT Directors, Director of Public Health, the Monitoring Officer and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. * Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid service, a SLT Director, Director of Public Health, Monitoring Officer or Second Tier Manager . * To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: <ul style="list-style-type: none"> (a) to any office (other than an office in which he is employed by the authority) in the authority's gift (b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body <p>and to revoke any such appointment (see Part 3, section 5: local choice functions)</p> <ul style="list-style-type: none"> * To approve delegated arrangements for such appointments • To interview candidates for the independent member positions on the Adjudication and Review Committee and to make recommendations to Council about the appointment of the independent members <p>Terms and conditions and general employment matters</p> <ul style="list-style-type: none"> • To determine matters relating to the Council's responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees. • To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Services, SLT Directors, the Monitoring Officer and Second Tier Managers. <p>Member Conduct</p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority

Council committee	Functions
	<ul style="list-style-type: none"> To assist members and co-opted members of the authority to observe the authority's code of conduct To advise the authority on the adoption or revision of a code of conduct <p>(AnThe Adjudication and Review Assessment PanelSub-Committee, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)</p> <p>Guidelines for members in dealing with staff</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of the Guidelines on members dealing with staff. <p>Protocol on probity in planning</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of the Protocol on Probity in Planning. <p>Whistleblowing Policy and Procedure</p> <ul style="list-style-type: none"> To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet. <p>Member support</p> <p>To oversee matters related to the facilities available to support members</p> <p>Regulatory and investigatory Powers Act 2000</p> <p>To review the Council's use of the Regulation of Investigatory Powers Act 2000 and the Council's policy at least once every year and to make recommendations for changes to the policy</p> <p>Miscellaneous</p> <p>To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group EA functions)</p>
Highways Advisory	<p>a) To advise the Council's Executive on local highway and traffic management schemes</p> <p>b) To consider representation made as a result of public consultation on proposed schemes.</p> <p>c) To make recommendations to the Cabinet Member for, Regulatory Services and Community Safety for the implementation of proposed schemes.</p>
Pensions	<p>Pension fund</p> <p>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</p> <p>Advisers and investment managers</p> <p>Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters.</p> <p>To appoint and review the performance of advisers and investment managers for pension fund investments.</p> <p>Other Non-executive matters</p> <p>To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities)</p>

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Council committee	Functions
	(England) Regulations 2000 relating to those matters concerning the Local Government Pension Scheme.
Strategic Planning	<ol style="list-style-type: none"> 1) To receive presentations in the pre-application or pre-determination stage. 2) To determine: <ol style="list-style-type: none"> a) Applications for Planning Permission; or b) Applications for Listed Building Consent; which, in the opinion of the Head of Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee. 3) Any other planning matter which, in the opinion of the Head of Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee

Council committee	Functions
Planning	<p>Planning</p> <p>1) To determine:</p> <ol style="list-style-type: none"> Applications for Planning Permission; or Applications for Listed Building Consent; <p>except where they are referable to the Strategic Planning Committee.</p> <p>2) Any planning matter referred to the Planning Committee by the Head of Planning acting in his or her discretion.</p> <p>Health and safety</p> <p>To carry out functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</p> <p>Highways use and regulation</p> <p>To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority's or to staff.</p>
Governance Committee Adjudication & Review	<p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) – see Hearings Panel</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none"> To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals) To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies.</p> <p>Members' conduct</p> <p>To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code has been breached.</p>

Sub-Committees

Committee establishing sub-committee	Name of sub-committee	Functions
Governance	Appointments Sub-Committee	<p>Appointments and dismissals</p> <ul style="list-style-type: none"> To make recommendations to Council about appointing and dismissing the Head of Paid Service To appoint and dismiss SLT Directors and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. For appointments to oneSource Managing Director and Monitoring Officer and Chief and Deputy Chief Officers of oneSource to appoint following recommendations from the oneSource Joint Committee. Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid Service, a SLT Director, the Monitoring Officer or Second Tier Managers. To make recommendations to Council about the appointment of Independent Persons for Standards matters. <p>Terms and conditions</p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, SLT Directors, Monitoring Officer and Second Tier Officers</p>

By convention, the Council agrees that the following sub-committees should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

Committee establishing sub-committee	Name of sub-committee	Functions
Governance Adjudication and Review Committee	Hearings Panel	<p>In relation to each category of hearing listed below, the Hearings Panel is empowered to make such awards as it considers appropriate in the interests of justice provided that it does not act outside of Council Policy.</p> <p>If the Hearings Panel is of the view that Council Policy is erroneous the Chairman of the Panel shall draw the policy provision to the attention of the relevant SLT Director and Cabinet Member for consideration and possible review.</p> <p><u>General hearings</u></p> <p>Member Review Panels – To review complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure.</p> <p>To consider complaints by service users relating to the service made available to them, in accordance with the authority's agreed complaints procedure</p> <p><u>Hearings under the Children Act 1989 Representations</u></p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<p><u>Procedure (England) Regulations 2006</u></p> <p>To consider representations by or on behalf of users of children's services in accordance with the Regulations</p> <p><u>Hearings under the Local Authority Social Services Complaints and NHS (England) Regulations 2009</u></p> <p>To consider representations by or on behalf of users of adult services in accordance with the Regulations</p> <p><u>Secure accommodation hearings</u></p> <p>To carry out reviews for the purposes of the Secure Accommodation Regulations 1991</p> <p><u>Housing Service appeals</u></p> <ul style="list-style-type: none"> * To consider the case of any tenants' association which is not recommended for recognition by the Council in accordance with the criteria from time to time adopted by the Council for that purpose. (Part IV of the Housing Act 1985) * To consider non-Homes in Havering cases referred where: <ul style="list-style-type: none"> (a) a suspended order for possession of a dwelling-house on grounds of non-payment of rent has been granted by the court, and (b) the tenant has failed to comply with the terms on which the court suspended that order, and (c) it is considered that, in all the circumstances, it is now appropriate to obtain and execute a warrant for possession of the premises on grounds of continued non-payment of rent and breach of the terms of suspension of the possession order, and (d) the tenant concerned is desirous of being heard by the Hearings Panel before authority is given for the warrant of possession to be executed, so that the panel may have opportunity to consider the circumstances * To consider and determine representations from tenants made under the following section of the Housing Act 1996: <ul style="list-style-type: none"> (a) section 164 (applicants' right to request review of decisions in respect of inclusion etc. on the housing register) (b) section 202 (review of decisions in respect of people who are homeless) <p><u>Members' conduct</u></p> <p>To deal with complaints about breaches by Members of the Code of Conduct (see specific provision for Assessment and Hearing Panels below).</p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<u>Access to files</u> * To review decisions made pursuant to the: (a) Access to Personal Files (Housing) Regulations 1989 (b) Access to Personal Files (Social Services) Regulations 1989 where the applicant is aggrieved
Governance Adjudication and Review Committee (Members' Code of Conduct)	Assessment Panel (Members' Code of Conduct)	To assess complaints referred for attention by the Governance Adjudication and Review Committee
	Hearings Panel (Members' Code of Conduct)	To consider the outcome of investigations and determine whether or not there has been a breach of the Member's Code of Conduct by one or more members and, if there has been a breach, what penalty should be imposed.

1.3 Statutory and non-statutory bodies

The Council has established (or convenes as necessary) various bodies in accordance with legislative requirement or Government guidelines. These bodies will continue to meet (or be convened) as necessary. The bodies are as follows:

Name of body	Functions
Admissions Forum	To undertake the functions assigned by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008
Adoption Panel	To undertake the functions assigned by the Adoption Agencies Regulations
Corporate Parenting Panel	To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents
Standing Advisory Council on Religious Education (SACRE)	To advise the Council as Local Education Authority on matters relating to Religious Education.
Children's Trust	To uphold and champion the vision, principles and commitments for children and young people in Havering.
Havering Local Pension Board	Assisting the scheme manager (i.e. the Council) in relation to the following matters. (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it; (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;

Name of body	Functions
	(c) such other matters as the scheme regulations may specify.
Local Safeguarding Children Board	(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Havering area; and (b) to ensure the effectiveness of what is done by each such person or body for each purpose.
Safeguarding Adults Board	(a) to help and protect adults at risk of neglect or abuse. (b) To ensure the effectiveness of what each of its members does

1.4 Functions delegated to Overview and Scrutiny Board and Sub-Committees

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny Sub-Committees and Board be empowered to undertake the following activities:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Cabinet, including power—
 - (i) to recommend that the decision be reconsidered or
 - (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

The ~~PeopleHealth Overview & Scrutiny~~ Sub-Committee has powers under the National Health Service Act 2006 in relation to health; and ~~the Crime & Disorder Scrutiny Sub-Committee~~ has powers under the Police & Criminal Justice Act 2006 in relation to crime and disorder- (except in respect of any referral to Secretary of State, which is reserved to the Council by resolution)

Overview and Scrutiny	Area of responsibility
Board	<ul style="list-style-type: none"> * Strategy and commissioning * Local Strategic Partnership * Partnerships with Business * Customer access * E-government and ICT * Finance (although each committee is responsible for budget processes that affect its area of oversight) * Human resources * Asset Management * Property resources * Facilities Management * Communications * Democratic Services * Social inclusion * Councillor Call for Action
Overview and Scrutiny Sub-Committee	Area of responsibility
People Children & Learning	<ul style="list-style-type: none"> * Pupil and Student Services (including the youth service) * Children's Social Care * Safeguarding Children * Adult education * Social inclusion * Issues relating to the Children and Families Act 2014. * Councillor Call for Action
Place Environment	<ul style="list-style-type: none"> * Environment * Local Development Framework and Strategic Transport * Transport for London * Environmental Strategy * Community safety * StreetCare * Parking * Social Inclusion * Councillor Call for Action
People Individuals	<ul style="list-style-type: none"> * Personalised services agenda * Adult Social Care * Diversity * Social Inclusion * Councillor Call for Action

Place Towns & Communities	<ul style="list-style-type: none"> * Regulatory Services * Planning and Building Control * Town centre strategy * Licensing * Leisure, arts, culture * Housing Retained Services * Community safety * Social and economic regeneration * Parks * Social inclusion * Councillor Call for Action
People Health	<ul style="list-style-type: none"> * Scrutiny of NHS bodies including the Havering Clinical Commissioning Group, NHS trusts, NHS foundation trusts and other providers of NHS services within the borough or to residents of the borough * To consider and provide recommendations on any proposed substantial development of the health service in the borough or any substantial variation of health services currently provided which are referred to it by the relevant health service commissioner or provider. (except any referral to Secretary of State, which is reserved to the Council by resolution)
People Crime and Disorder	<ul style="list-style-type: none"> * Exercise of the functions conferred on the Committee by the Police & Justice Act <u>in relation to crime and disorder</u>

1: ~~Governance~~Adjudication and Review Committee

- 1.1 ~~The major part of the work of this Committee is carried out through Hearings Panels.~~ The composition of Hearings Panels varies according to the nature of the issue ~~adjudicated~~ – as indicated in the following table:

Type of hearing	Membership of Panel
Corporate complaints procedure (including housing tenants' complaints)	Three Members and a non-voting independent person
Children Act complaints	Three independent persons (one as chairman) with voting rights (<i>to accord with legal requirements, elected Members may not serve on this type of Panel</i>)
Adult Care complaints	One independent person (as chairman) with voting rights and two Members
Housing tenancy appeals	Three Members

- 1.2 The independent persons used for such hearings are taken from a pool of such people appointed ~~by~~~~on behalf~~ the ~~Governance~~Adjudication & Review Committee, managed by Democratic Services, who have received training appropriate to that role.
- 1.3 The substitute rule does not apply to Hearings Panels, which are not required to be politically balanced.

2: Licensing Committee

- 2.1 Most of the work of this Committee is carried out through Licensing Sub-Committees comprising a Chairman and two other Members, all drawn from the main Committee. In general, Sub-Committees will be chaired either by the Chairman of the main Committee, or one of the three Vice-Chairmen.
- 2.2 The substitute rule does not apply to Licensing Sub-Committees, which are not required to be politically balanced.

3: Pensions Committee

- 3.1 The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.
- 3.2 The Admitted and Scheduled Bodies who are members of the pension fund jointly appoint a representative as a non-voting, co-opted Member of the Committee.
- 3.3 Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are present during the discussion of any exempt business.
- 3.4 The membership of the Pension Committee is expected to remain static for the life of the Council in order that members are fully trained in matters relating to investment, unless exceptional circumstances require a change. Each Group is entitled to nominate named substitutes for their committee in order that they may receive appropriate training.

4: PeopleChildren & Learning Overview & Scrutiny Sub-Committee

- 4.1 The law requires that the Council co-opt to this Overview & Scrutiny Sub-Committee one representative of each of the Anglican and Roman Catholic Churches, with voting rights, to attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. In practice, they are also able to contribute to other discussions.
- 4.2 In addition, there are three voting co-opted members representing governors of schools in the three sectors of education, primary, secondary and special. Again, they may attend when issues relating to Education are being discussed

and have call-in rights in relation to executive decisions. They are also able to contribute to other discussions.

- 4.3 Finally, there are three non-voting representatives of local teacher unions and professional associations, nominated by those organisations.
- 4.4 The Councillor Members of the Sub-Committee are also automatically Members of the Council's Corporate Parenting Panel.

5: Crime & Disorder **Sub-Committee**

5.1 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 confer on the Sub-Committee the ability to co-opt certain members or employees of crime and disorder partner bodies. It is for the Sub-Committee to determine whether such co-optees are to have voting rights and the issues in respect of which they may attend meetings as co-optees.

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2 Executive functions

The Leader of the Council is responsible for arranging for the exercise of all executive functions and may by way of written notice delegate Executive functions to:

1. Cabinet
2. A committee of the Cabinet
3. Individual Cabinet Members
4. Staff
5. Joint Committees

And may exercise any Executive functions personally provided notice is given to the Proper Officer.

The Leader of the Council will give notice in writing, duly signed and dated, to the Proper Officer as to the exercise of Executive functions and will submit a fresh notice on each occasion that those delegations are amended

Executive functions may not be exercised by the Leader or individual Cabinet Members until written notice has been received by the Proper Officer. The Proper Officer will maintain a record of Leader delegations

The following General functions are a list of functions which the Leader may delegate to full Cabinet. The Leader may upon giving written notice to the Proper Officer add other Executive functions to this list.

2.1 General functions of Cabinet

Policy matters

- (a) To formulate the Council's overall policy objectives and priorities and to recommend them to Council for approval where they fall within the budget and/or policy frameworks.
- (b) To determine the Council's strategy and programme in relation to the policy and/or budget frameworks set by full Council.
- (c) To determine all substantial policy matters and strategic decisions and those minor matters which are referred by the Leader at the request of an individual Cabinet Member as being particularly contentious.
- (d) To determine the Council's policy, strategy and programme in relation to the area and in respect of all Executive matters.

- (e) To co-ordinate the statutory functions and obligations of the Council with respect to equality of opportunity and non-discrimination, including its function as an employer save where these concern non-executive functions
- (f) To promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.

Other matters

- (g) To allocate and control financial and land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives.
- (h) To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the Council and to have responsibility for land and property used for operational purposes, 'in principle', disposals of land in excess of £1,000,000 [with the Leader of the Council having authority to agree the 'in principle' disposal of land etc., below that sum.]
- (i) To exercise control over the Council's revenue and capital budgets (including the housing revenue account).
- (j) To exercise control over all human resource matters including the number and type of staff, payroll and pensions, equalities issues, occupational health and safety and organisational development (subject to the Council's policies and procedures) except for staff appointments and dismissals and other non-executive functions.
- (k) To oversee and take responsibility for effective joint work with partner agencies.
- (l) To approve funding for voluntary organisations.
- (m) To affiliate with and appoint representatives to outside bodies, where these are not specifically identified elsewhere in this constitution.
- (n) To consider whether the Council should give evidence before a parliamentary select committee, royal commission, Government committee or similar body.
- (o) To undertake those functions assigned to the Cabinet under Part 3, section 5: local choice functions.
- (p) To award all contracts above a total contract value of £10,000,000.
- (q) To approve applications for the submission of bids for grants and other financial assistance which require the provision of additional finance or match funding or are likely to lead to residual costs or implications for the Council or where the amount of the grant application exceeds £500,000 and to accept such funding when granted.

- (r) To be responsible for all executive matters even if not expressly set out in Part 3 of this constitution.

2.2. Corporate functions of Cabinet

Finance

- (a) To take decisions on all matters relating to the Council's finances including but not exclusively:
 - (i) budgetary control
 - (ii) establishing long and short term capital and revenue programmes for all areas of service and allocations of both capital and revenue expenditure to other services
 - (iii) financial planning
 - (iv) operational management of insurance arrangements
 - (v) budget revisions
 - (vi) considering the annual estimates of revenue expenditure and income and the Treasury Policy Statement and make recommendations to the Council on the setting of the council tax
 - (vii) virements £1 million or more
 - (viii) virements between services over £250,000 and up to and including £999,999

Treasury management strategy

- (b) To consider the Council's treasury management strategy, making recommendations to full Council on its content and to subsequently monitor its effectiveness taking account of appropriate expert advice

Resource management

- (c) To exercise the Council's functions relating to the use of the Council's resources and, where these are not non-executive functions, human resources. Such functions include:
 - (i) corporate human resources policies and procedures
 - (ii) e-government and customer access
 - (iii) responsibility for the Council's health and safety policies as an employer
 - (iv) Council's Employment Relations framework
 - (v) overall responsibility for properties held for investment purposes

- (vi) corporate purchasing policies and procedures
- (vii) corporate communication strategies
- (viii) overall responsibility for the management and maintenance of the Council's office accommodation and corporate assets
- (ix) emergency planning and civil defence.

2.3 Education functions of Cabinet

To exercise the Council's functions in relation to education including the formulation of the Council's future policies for recommendation to Council where appropriate and their co-ordination and implementation. Such functions include, but are not limited to, the following:

- (a) proposals for schemes of the fair funding of schools, including special schools
- (b) making awards and other allowances to students attending courses at institutions for further and higher education and exercising the discretionary powers of the Council in that connection
- (c) the provision of day care under section 18 of the Children Act within Early Years' Service.

2.4 Quality of life functions of Cabinet

Environment

- (a) To exercise the Council's functions in relation to environmental matters including the formulation of the Council's policies for referral to Council where appropriate and their co-ordination and implementation. Such functions include (but are not limited to) the following except to the extent that they are non-executive functions:
 - (i) town planning
 - (ii) environmental health
 - (iii) highway engineering
 - (iv) public health
 - (v) building control
 - (vi) consumer protection and licensing
 - (vii) traffic management and parking control
 - (viii) transport planning
 - (ix) waste and energy management
 - (x) cemeteries
 - (xi) managing the transport fleet.
- (b) To encourage and promote the environmentally sustainable development and regeneration of the borough and the health of the population through

its planning, transport, economic planning, waste and energy management and environmental health policies and programmes.

- (c) To adopt or amend Interim Planning Guidance for the borough and to approve planning briefs and guidance for the development of sites in the borough and conservation area statements.
- (d) To respond to consultation exercises or notices of intent by external authorities where they relate to strategic issues pertaining to planning control.

Housing

- (e) To exercise the Council's functions in relation to housing and homelessness including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include, but are not limited to, the following:
 - (i) assessing housing need, demand and supply and developing appropriate strategies, including specific strategies for groups in need
 - (ii) managing and maintaining all land and property held for the Council's housing functions other than that land and property the management of which has been delegated to Homes in Havering.
 - (iii) assessing and setting rents and other charges
 - (iv) setting and varying charges for the use of garages, car parking spaces and other facilities on the Council's housing estates
 - (v) making and rescinding compulsory purchase order resolutions under the relevant housing legislation
 - (vi) keeping under review issues affecting non-public housing tenures in accordance with the Council's housing strategy, in pursuance with the Council's duties under current legislation
 - (vii) taking responsibility for all matters relating to housing associations except the appointment of Members

Leisure and cultural services

- (f) To exercise the Council's functions in relation to leisure services, including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:
 - (i) library and information services

- (ii) arts and museum services
 - (iii) providing and maintaining leisure facilities for children and young persons
 - (iv) providing facilities for sports
 - (v) developing tourism opportunities and provision of tourism services
 - (vi) taking responsibility for provision and upkeep of the Council's public parks, gardens, open spaces, allotments, cemeteries and burial grounds.
- (g) To develop strategic policies for the provision of co-ordinated, accessible and quality leisure services that reflect the multi-ethnic, social and cultural diversity of those who live, work and study within the borough.
- (h) To plan the provision of leisure facilities whether provided by the Council or others.

Social care and health

- (i) To exercise the Council's functions in relation to social services including the formulation of the Council's policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:
- (i) all matters within Schedule 1 of the Local Authority Social Services Act 1970 and, in particular, functions in relation to child protection, children in need, community care and mental health provision
 - (ii) all matters relating to the National Health Services, including the consideration and review of NHS policies in so far as they affect the borough and in particular to have responsibility for joint care planning and liaison with the appropriate health authorities.
 - (iii) All matters relating to public health and dental health as conferred onto the authority by virtue of the National Health Service Act 2003, the Health and Social Care Act 2012 and any subsequent legislation (but excluding functions that are the statutory responsibility of the Health and Wellbeing Board.)

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

Each individual Cabinet member, as appropriate, may be delegated one or more of the following functions, within the portfolio allocated to him or her by the Leader. If a Cabinet member is unable to act, the Leader may act on his or her behalf, or may authorise another Cabinet member to do so. Matters delegated to individual Cabinet members under this section give them

individual decision making powers. Where any paragraph refers to 'in conjunction with' or 'in consultation with' the decision remains that of the individual Cabinet member.

- (a) To monitor the budgets and the performance of the services allocated by the Leader.
- (b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:
 - (i) the Government (including White and Green papers)
 - (ii) the London Councils, the Greater London Authority, the Local Government Association and all other bodieswhere those papers affect the services allocated.
- (c) To agree an appropriate response by members of staff to issues raised in respect of allocated services
- (d) To determine priorities in conjunction with the relevant member of SLT (within the policy framework and budget).
- (e) To make suggestions for policy initiatives (within the budget and/or policy frameworks) and for amendments to the budget and/or policy framework, for agreement by the Cabinet and Council.
- (f) To recommend to the Cabinet a response to reports from the Overview and Scrutiny Board and relevant Sub-Committees in respect of the allocated services.
- (g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.
- (h) To award contracts, agree extensions of contract terms and awards/extensions of Consortia contracts, of a value above £5,000,000 and up to £10,000,000 and contracts where external funding is guaranteed and there is no longer term financial commitment to the Council. *(Note: Pension Committee has powers to invite tenders and award contracts for investment matters within their terms of reference)*
- (i) To review customer satisfaction, results of consultation with stakeholders and the efficiency of service provision generally and to agree arrangements for continuous improvements to be made.
- (j) To consider and recommend plans in respect of the portfolio allocated.
- (k) To consider the needs of the allocated service for particular properties and to make recommendations to the Cabinet as appropriate.
- (l) To promote effective relationships and partnerships between the Council and all other bodies and agencies affecting the community.

- (m) To consider reports on the exercise of virement, within the Budget Framework Procedure Rules and/or Finance Procedure Rules set out in Part 4 of this constitution.
- (n) To consider reports on contract overspends and to report to Cabinet as necessary.
- (o) To consult any advisory bodies as directed by the Cabinet
- (p) To agree the demolition of housing stock in appropriate cases
- (q) To agree minor matters and urgent or routine policy matters
- (r) To approve supplementary planning guidance and policies.
- (s) To consider recommendations of the Highways Advisory Committee relating to highways and traffic schemes and to make decisions relating to them.
- (t) To approve the 'in principle' decision of the Council disposing of or acquiring an interest in property or land where the disposal or acquisition receipt is not considered likely to exceed £1,000,000.
- (u) To approve individual virements within a service above £250,000 up to and including £999,999.
- (v) To approve virements within services where resources are available or where they are not but the virement is below the identified threshold.
- (w) To approve all virements between services over £250,000.
- (x) To approve all in year changes to both fees and charges.
- (y) To determine allocations from the contingency.
- (z) To consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use.
- (aa) To authorise expenditure of the Cemeteries and Crematorium Improvement from Income Fund and the Cemeteries and Crematorium Improvement Donation Fund above the level delegated to the Assistant Director Development.
- (bb) To approve all Community Safety Partnership Strategies arising under the Crime and Disorder Act or other related legislation.
- (cc) The Leader may delegate other functions not expressly set out herein to individual Cabinet Members provided they are Executive functions and provided due notice of the exact terms of the delegation and the name of the Cabinet Member is lodged with the Proper Officer.

2.6 Portfolios to be assigned to individual Cabinet members

The Leader is responsible for assigning portfolios to individual Cabinet members. Any Cabinet member, including the Leader, may hold more than one portfolio, although a Cabinet Member need not hold any portfolio. Suggested portfolios are as follows, although the Leader may determine the nature of any portfolio as he or she considers appropriate:

- (a) Information & Communication Technology
- (b) Procurement
- (c) Project Management
- (d) Asset Management
- (e) Development Control
- (f) Building Control
- (g) Internal Shared Services
- (h) Finance Procurement
- (i) Human Resources
- (j) Commissioning
- (k) Adult Social Care
- (l) Children & Young People's Services
- (m) Learning & Achievement
- (n) Schools for the Future
- (o) Community Engagement
- (p) Policy and Partnerships
- (q) Communications
- (r) Culture & Leisure
- (s) Customer Services
- (t) Housing
- (u) Public Protection
- (v) Regeneration
- (w) Strategic Planning
- (x) StreetCare
- (y) Highways and traffic schemes
- (z) Legal Services
- (aa) Democratic Services
- (bb) Community Safety
- (cc) Health & Safety
- (dd) Electoral Registration
- (ee) Public Health

The names of individual Cabinet Members are listed on the Council's website and on a list which is available at the Town Hall reception.

2.7 Health and Wellbeing Board

The Health and Wellbeing Board is by virtue of the provision of the Health and Social Care Act 2012 an executive committee of the Council to exercise those functions prescribed under the Health and Social Care Act 2012. In particular to:

Duty to encourage integrated working

To encourage organisations involved in the provision of any health or social care services in the borough to work in an integrated manner.

- (a) To advise, support and encourage (where appropriate) section 75 arrangements under the National Health Service Act 2006 in connection with the provision of health services.
- (b) To encourage all those involved in the provision of health-related services to work with the Board.
- (c) To arrange and encourage any persons involved in the provision of health-related services to work in cooperation with the Health and Wellbeing Board.

Other Functions

- (d) To exercise those functions conferred on the Council by virtue of the Local Government and Public Involvement in Health Act 2007, namely
 - Preparation of a Joint Strategic Needs Assessment, and;
 - Preparation of a Health and Wellbeing Strategy
- (e) To inform the Council on whether or not the Council is meeting its duties under section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard for strategies).

Discharge of Functions

- (f) If appropriate, to make arrangements for its functions to be discharged jointly with the Board of another authority and/or by joint sub-committees.

Supply of Information

- (g) To request, where necessary, information from any organisation represented on the Board that relates to the function of the organisation from which the information is requested and that is for the purpose of enabling or assisting the Board in fulfilling its functions.

Health Protection Forum

To provide assistance and guidance to the Director of Public Health to enable them to fulfil their function with regard to health protection and emergency planning as prescribed in section 12 of the Health and Social Care Act 2012

2.8 Joint working delegations

The Council and the Executive have established the following joint arrangements under section 101(5) of the Local Government Act 1972:

- (a) London Councils
- (b) Shared Services Joint Committee (oneSource)

The functions delegated to each of these joint arrangements are set out below:

(a) London Councils Committees

London Councils Leaders Committee

This comprises one member from each of the 33 London local authorities.

Its functions are set out in full in Schedule 2 of the *Association of London Government Agreement* dated 13 December 2001 (as amended). In summary, the Council committee is authorised to deal with the following matters:

- (i) consulting on common interests of London local authorities, discussing local government matters and providing forums for such discussion
- (ii) representing the interests of London local authorities to other bodies, including national and local government, Parliament and the European Union
- (iii) formulating policies for the development of democratic and effectively managed local government
- (iv) appointing representatives or staff to serve on any other body
- (v) representing the interests of London local authorities as employers
- (vi) disseminating relevant information to London local authorities
- (vii) providing information to the public and other bodies on London Councils policies and local government issues relevant to London
- (viii) acting as the regional body of the Local Government Association.

London Councils have the following other committees:

Transport and Environment Committee

This committee comprises one member from each of the 33 London local authorities and a member from Transport for London (which is part of the Greater London Authority).

Its functions are set out in full in Schedule 2 of the *Association of London Government Transport and Environment Committee Agreement* dated 13 December 2001 (as amended). In summary, the committee is authorised to deal with the following matters:

- (a) undertaking various matters related to parking adjudicators, including making appointments, providing accommodation and administrative staff, determining the places at which adjudicators will sit and making an annual report on adjudicators' discharge of their functions
- (b) determining penalty charge levels and fees and discounts for early payment
- (c) publishing and updating the Code of Practice for Parking in London
- (d) co-ordinating and maintaining vehicle removal and clamping operations
- (e) establishing and maintaining a communications and control service to deal with vehicle removals
- (f) overseeing the London lorry ban
- (g) overseeing the London taxicard scheme.

Housing Forum

This committee comprises one representative from each of the following London local authorities:

Barnet, Brent, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Havering, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge, Southwark, Tower Hamlets and Waltham Forest.

Its functions are set out in full in Schedule 3 of the *Association of London Government Agreement* dated 13 December 2001 (as amended). In summary, the committee is authorised to deal with the following matters:

- (a) considering housing functions of local authorities generally and housing activities of other housing agencies where relevant
- (b) providing, organising and co-ordinating housing publicity and information on issues relevant to member authorities
- (c) conducting research, evaluation and analysis on housing matters including housing policy and service delivery
- (d) conducting investigations into and collecting information about housing, and making such information available
- (e) assisting member boroughs with publicity on housing functions

- (f) providing professional, administrative and technical assistance to member boroughs and other bodies in the preparation and implementation of specific projects.

The London Grants Committee

This committee comprises one member from each of the 33 London local authorities.

Its functions are:

- (a) To make grants to voluntary organisation benefiting more than one London borough.
- (b) To consider and review the needs of London in relation to the grants scheme.
- (c) To recommend an annual budget to the London Councils which, once approved, must be agreed to by a two-thirds majority of the London local authorities before it can be binding on all London local authorities.

(b) OneSource Joint Committee

This is a committee of this Council, the London Borough of Newham and the London Borough of Bexley, with a membership of 3 councillors from the executive of Havering and Newham Councils and one from Bexley Council. The committee's functions are to control and co-ordinate the back-office functions of both Councils, in the case of Havering these will be:

- (a) Finance & Procurement
- (b) Exchequer Services
- (c) Asset Management
- (d) Legal Services
- (e) Democratic Services
- (f) Strategic HR and Organisational Development
- (g) Business Systems

These functions are set out in detail in Schedule 2 of the Joint Committee Agreement with the London Boroughs of Newham and Bexley.

2.9 Delegation of Functions to another Local Authority

The Council has delegated under Section 101(1) (b) of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and Regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the following functions to Birmingham City Council:

- (a) Enforcement of Parts III and IV of the Consumer Credit Act 1974, and

- (b) the enforcement functions and powers under Parts XI and XII of the Consumer Credit Act 1974, and
- (c) the power of prosecution under section 222 of the Local Government Act 1972

All in connection with money-lending or the activities of money lenders and/or their agents and associates, and the laundering of the proceeds of illegal money-lending.

Arrangements for dealing with allegations that a Member or a Co-opted member of the London Borough of Havering has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected Member or Co-opted Member of the London Borough of Havering has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the Member/Co-opted Member against whom an allegation has been made. The arrangements fulfil the Council's statutory obligations.
- 1.3 In these arrangements a number of terms are used which have the following meanings.

Member	An elected Councillor
Co-opted Member	A person who is not an elected Member of the Council but has been appointed to a committee or sub-committee of the Council
Monitoring Officer	An officer of the Council designated under Section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its Members and Officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a Register of Interests of Members and Co-opted Members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011 whose views are sought and taken into account before decisions upon allegations against Members/Co-opted Members are taken and who may be consulted by a Member/Co-opted Member who is

Member	An elected Councillor
	the subject of allegations or by the Council generally.
Adjudication and Review Assessment Panel	An ad hoc Panel of three Members taken from the membership of the Governance Adjudication and Review Committee established to decide whether allegations against Members/Co-opted Members are worthy of investigation.
Adjudication and Review Hearing Panel	An ad hoc Panel of three Members taken from the membership of the Governance Adjudication and Review Committee established to conduct Hearings into allegations of breaches by Members/Co-opted Members of the Members' Code of Conduct

2. The Members' Code of Conduct

- 2.1 The Council has adopted a members' Code of Conduct which is available on the Council's website and on request from the Monitoring Officer.
<https://www.havering.gov.uk/Pages/Category/Councillors.aspx?11=90001>

3. Making an allegation

- 3.1 Allegations concerning possible breaches of the Code of conduct should be made in writing to:

Monitoring Officer
London Borough of Havering
Town Hall,
Main Road,
Romford RM1 3BD
Tel: 01708 432484

Or by email to monitoringofficer@havering.gov.uk marked for the attention of the Monitoring Officer.

- 3.2 It is preferable that allegations are made on the form available on the Council's website:
- 3.3 It is important that a person making an allegation provides his/her name and a contact address or email address so that the Monitoring Officer can acknowledge receipt of the allegation and keep the person informed of its progress.
- 3.4 The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such

requests. The Monitoring Officer has to balance the rights of the Member/Co-opted Member to understand who is making an allegation against them, against the rights of the person making the allegation who will have to provide reasons why their name and/or address ought to remain confidential

- 3.5 If the Monitoring Officer accepts the reasons for maintaining anonymity and the name and/or address of the person making the allegation will not be disclosed to the Member/Co-opted Member without prior consent.
- 3.6 If the Monitoring Office does not consider those reasons justify anonymity, the person making the allegation will be given the opportunity to withdraw the allegation if they do not wish to proceed without anonymity.
- 3.7 Even where anonymity is agreed at the outset it may not always be possible to maintain that anonymity throughout the entirety of the process. For example, the person making the allegation may be requested to give evidence at a Hearing. If anonymity cannot be maintained the Monitoring Officer will liaise with the person making the allegation to establish whether the person wishes to continue with the allegation or withdraw it.
- 3.8 The Council does not normally investigate anonymous allegations unless there is a clear public interest in so doing.
- 3.9 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 3.10 The Monitoring Officer will inform the Member/Co-opted Member against whom an allegation has been made and will give details of the allegation and the remedy sought by the person making the allegation. In exceptional circumstances the Monitoring Office has discretion not to inform the Member/Co-opted Member if in his/her opinion to do so would risk an investigation being frustrated or prejudiced in some way.

4. Assessment of allegation

- 4.1 The Monitoring Officer will review every allegation received and may consult the Independent Person before taking a decision as to whether or not the allegation merits reference to an [Adjudication and Review](#) Assessment Panel.
- 4.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the Member/Co-opted Member against whom the allegation is directed. If the person making the allegation fails to provide the additional information

requested, the allegation may be dismissed by the Monitoring Officer pursuant to Paragraph 4.4(a), below.

- 4.3 The Monitoring Officer will use a number of criteria for assessing allegations and may consult the Independent Person and if necessary the appropriate political Group Leaders. The decision whether to submit the allegation to an ~~Adjudication and Review~~ Assessment Panel will be a proportionate response to the issues raised and likely outcomes.
- 4.4 The Monitoring Officer may determine that an allegation does not merit any further action where:
- (a) There is insufficient information upon which to base a decision and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently; or
 - (b) The allegation is about someone who is no longer a Member/Co-opted Member of the Council; or
 - (c) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example the allegation relates to matters whilst the Member/Co-opted Member was not acting in his/her official capacity but rather relates to their private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service; or
 - (d) The same or a similar allegation has been investigated and determined; or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Members' Code of Conduct; or
 - (f) The allegation is considered to be frivolous or vexatious; or
 - (g) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation; or
 - (h) The Member/Co-opted Member about whom the allegation is made has admitted making an error and/or has apologised and the matter would not warrant a more serious sanction; or
 - (i) The Monitoring Office facilitates an informal resolution. This may involve the Member/Co-opted Member accepting that his/her conduct was inappropriate or otherwise unacceptable and offering an apology and/or taking other remedial action. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the

allegation will be referred to the ~~Assessment~~Adjudication and Review Panel for consideration.

~~(i) In the opinion of the Monitoring Officer the complaint is not sufficiently serious to warrant referral to the Assessment~~Adjudication and Review panel for further consideration.

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4.5 If the allegation is dealt with under Paragraph 4.4 above, the Monitoring Officer shall ~~reject the complaint and~~ notify the person making the allegation and the Member/Co-opted Member of the outcome giving reasons for the decision. -Normally such notification shall be given within 20 clear working days of receipt of the allegation. ~~The complainant shall be informed that there is no right of appeal, but that the complaint may be re-submitted for consideration if accompanied by additional evidence for the Monitoring Officer to consider, in which case it will be treated as a fresh complaint.~~

4.6 ~~Subject to~~Except as provided for in Paragraph 4.4 above, ~~where~~ the Monitoring Officer ~~deems it appropriate, shall refer all~~ allegations ~~may be referred~~ to an ~~Adjudication and Review~~ Assessment Panel for consideration which normally shall meet within 20 clear working days from receipt of the allegation.

4.7 Where the Monitoring Officer refers an allegation to an ~~Adjudication and Review~~ Assessment Panel for consideration, the Panel shall determine whether the allegation:

- (a) Merits no further investigation and is dismissed; or
- (b) Merits further investigation

4.8 An ~~Adjudication and Review~~ Assessment Panel may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 4.4 above and to the following additional criteria:

- (a) The allegation is not considered sufficiently serious to warrant investigation; or
- (b) The allegation appears to be motivated by malice or is "tit-for-tat"; or
- (c) The allegation appears to be politically motivated

4.9 Where an ~~Adjudication and Review~~ Assessment Panel considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation. The meeting of the Panel shall adjourn and reconvene when the Investigation Report is available.

- 4.10 The Monitoring Officer will inform the person making the allegation and the Member/Co-opted Member of an ~~Adjudication and Review~~ Assessment Panel's decision and if the allegation is to be investigated will provide an indication of the timescale for the investigation. The Monitoring Officer will keep the person making the allegation and the Member/Co-opted Member informed if the initial timetable changes substantially.

5. The Investigation

- 5.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Authority, or an external investigator.
- 5.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 5.3 The Monitoring Officer/Investigating Officer will normally write to the Member/Co-opted Member against whom the allegation is made and provide him/her with a copy of the allegation and ask the Member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 5.4 Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the pages given to the Member/Co-opted Member. Where disclosure of details of the allegation to the Member/Co-opted Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member/Co-opted Member until the investigation has progressed sufficiently.
- 5.5 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer shall produce as appropriate a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the Member/Co-opted Member concerned to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

- 5.6 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or Member/Co-opted member have made on the draft report, the Investigating Officer will send his/her final report (The Investigation Report) to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 5.7 Where the Monitoring Officer is satisfied with the Investigation Report, and where the conclusion in the Investigation Report is that there is evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, where appropriate he/she may seek to achieve an informal resolution. The Monitoring Officer will consult the Independent Person and the person making the allegation and seek to agree what the person making the allegation considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member/Co-opted Member accepting that his/her conduct was inappropriate or otherwise unacceptable and offering an apology and/or taking other remedial action. If the Member/Co-opted Member complies with the suggested resolution, the Monitoring Officer will report the matter to an ~~Adjudication and Review~~ Assessment Panel which will note the outcome and formally resolve that the allegation is determined by way of informal resolution, the details of which will be published.
- 5.8 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the Member/Co-opted Member has made on the draft report and, where appropriate having sought to achieve an informal resolution pursuant to Paragraph 5.7 above, the Monitoring Officer shall produce the Investigation Report.

6. Consideration of the Investigation Report

- 6.1 When the Monitoring Officer is satisfied with the Investigation Report and an informal resolution is either inappropriate or incapable of achievement, the Monitoring Officer will refer the Investigation Report to an ~~Adjudication and Review~~ Assessment Panel and the Independent Person. Normally this will be within 30 clear working days of an ~~Adjudication and Review~~ Assessment Panel having determined that the allegation merits further investigation.
- 6.2 Where the conclusion of the Investigation Report is that there is no evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, an ~~Adjudication and Review~~ Assessment Panel may:
- (a) Accept the conclusion, resolve that no further action is required and dismiss the allegation; or

- (b) Remit the report to the Monitoring Officer for further consideration; or
 - (c) Remit the allegation to an ~~Adjudication and Review~~ Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.
- 6.3 Prior to making a determination under Paragraph 6.2(a) above an ~~Adjudication and Review~~ Assessment panel shall seek and take into account the views of the Independent Person.
- 6.4 Where the conclusion of the Investigation Report is that there is evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member and where an informal resolution pursuant to Paragraph 5.7 above is either inappropriate or incapable of achievement, an ~~Adjudication and Review~~ Assessment Panel may:
- (a) Remit the report to the Monitoring Officer for further consideration; or
 - (b) Remit the allegation to an ~~Adjudication and Review~~ Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.
- 6.5 Where the ~~Adjudication and Review~~ Assessment Panel remits the Investigation Report to the Monitoring Officer for further consideration under Paragraph 6.2(b) or 6.4(a) the meeting of the Panel shall adjourn and reconvene when the Monitoring Officer has reconsidered.

7. The pre-hearing process

- 7.1 The Monitoring Officer (and/or his/her nominees) shall:
- (a) Agree a date for the hearing with all relevant parties
 - (b) Provide a timetable for the person making the allegation, the Member/Co-opted Member (hereinafter called 'the parties') to provide details about whether they wish to give evidence (and whether orally or in writing) at the Hearing and any witnesses they intend to call and additional papers they may wish to provide in time for inclusion in the Committee papers;
 - (c) Establish whether the parties will be represented or accompanied at the Hearing;
 - (d) Establish whether the parties wish any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private and the reasons for this.

- (e) Provide information about the procedure to be used at the Hearing.
- (f) Establish whether the parties disagree with any of the findings of fact in the Investigation Report.
- (g) Establish whether the Investigating Officer intends to call any witnesses.

7.2 Normally Hearings conducted by an ~~Adjudication and Review~~ Hearing Panel shall take place within 20 clear working days of the referral by the ~~Governance~~ ~~Adjudication and Review Assessment~~ Committee to the ~~Adjudication and Review~~ Hearing Panel.

8. The hearing

8.1 A hearing ~~of the Adjudication and Review Hearing Panel~~ shall take place in public unless a resolution is passed to exclude the public and the press due to exempt material which may be disclosed in the course of the proceedings.

8.2 Where a resolution to exclude the public and the press has been passed, the following persons only may remain in attendance:

- (a) Members of the Panel
- (b) Officers supporting/advising the Panel
- (c) The Independent Person
- (d) The Monitoring Officer and/or The Investigating Officer
- (e) The Member/Co-opted Member against whom the allegation is made together with a single representative, if any
- (f) The person making the allegation together with a single representative, if any.
- (g) Witnesses to be called by any party
- (h) Members of the Council who are not Members of the Panel

8.3 When the Panel reaches the point of deliberation upon the allegation or the sanction/penalty, the following persons only may remain in attendance:

- (a) Members of the Panel
- (b) Officers supporting/advising the Panel

(c) The Independent Person

(d) The Monitoring Officer but only where the Monitoring Officer is present to support/advise the Panel and not where the Monitoring Officer has presented the Investigation Report.

The Chairman shall invite all other persons present to withdraw to enable the Panel to deliberate upon the allegation, and any such persons shall withdraw.

8.4 Normally an ~~Adjudication and Review~~ Hearing Panel will conduct the Hearing in an inquisitorial manner.

8.5 The Monitoring Officer/Investigating Officer will make an opening statement with reference to the Investigation Report. The parties will then make opening statements in relation to the allegation and to the Investigation Report. Each party may have a single representative who may participate on behalf of the relevant party. Participation may be by the party or the party's representative but not by both.

8.6 Following the opening statements, the ~~Adjudication and Review~~ Hearing Panel may ask questions of the Monitoring Officer/Investigating Officer and/or the parties by way of inquiry into the matters the subject of the allegation and/or the Investigation Report.

8.7 The Monitoring Officer/Investigating Officer and the parties will be afforded the opportunity to make closing statements.

8.8 If the Member/Co-opted Member fails to attend the Hearing, an ~~Adjudication and Review~~ Hearing Panel may decide to proceed in the Member's/Co-opted Member's absence and make a determination, or to adjourn the Hearing to a later date.

8.9 Full details of the process to be undertaken at the Hearing are contained in the Hearings Procedure note comprising Appendix A to these arrangements.

8.10 An ~~Adjudication and Review~~ Hearings Panel having sought and taken into account the views of the Independent Person may conclude:

(a) That the Member/Co-opted Member did not fail to comply with the Members' Code of Conduct and dismiss the allegation; or

(b) That the Member/Co-opted Member did fail to comply with the Members' Code of Conduct.

8.11 In the event of a finding under Paragraph 8.7(b) above, the Chairman will inform the Member/Co-opted Member of this finding and an ~~Adjudication and Review~~ Hearing Panel will then consider what action, if any, it should

take as a result of the Member's/Co-opted Member's failure to comply with the Members' Code of Conduct.

- 8.12 ~~An Adjudication and Review~~ Hearing Panel will give the Member/Co-opted Member an opportunity to make representations to the Panel as to whether any action should be taken and what form any action should take.
- 8.13 ~~An Adjudication and Review~~ Hearing Panel will seek and take into account the views of the Independent Person, following which it will decide what action, if any, to take in respect of the matter.

9. Action which may be taken when a member/co-opted member has failed to comply with the Members' Code of Conduct

- 9.1 Having determined that the Member/Co-opted Member has failed to comply with the Members Code of Conduct, ~~an Adjudication and Review~~ Hearing Panel may:
 - (a) Publish its findings in respect of the Member's/Co-opted Member's conduct.
 - (b) Reports its findings to Council for information;
 - (c) Issue the Member/Co-opted Member with a formal censure or reprimand, a report of which may be submitted to Council.
 - (d) Recommend to the Member's Group Leader (or in the case of ungrouped Members/Co-opted Members recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-committees of the Council;
 - (e) Recommend to the Council that the Member/Co-opted Member be replaced as Chairman or Vice-Chairman of any Committee.
 - (f) Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular portfolio responsibilities;
 - (g) Instruct the Monitoring Officer to arrange training for the Member/Co-opted Member.
 - (h) Recommend the Council or Cabinet, as appropriate, that the Member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet.

- (i) Withdraw facilities provided to the Member/Co-opted Member by the Council such as a computer, website and/or email and internet access;
 - (j) Exclude the Member/Co-opted Member from Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-committee meetings;
 - (k) Take no further action;
 - (l) Any other appropriate sanction which may be available to an ~~Adjudication and Review~~ Hearing Panel;
- 9.2 ~~An Adjudication and Review~~ Hearing Panel has no power to suspend or disqualify a Member or to withdraw Members' or special responsibility allowances;
- 9.3 At the end of the Hearing the Chairman shall state the decision of the ~~Adjudication and Review~~ Hearing Panel as to whether the Member/Co-opted Member failed to comply with the Members' Code of Conduct and as to any action which the Panel has resolved to take.
- 9.4 Within 10 working days following the Hearing, the Monitoring Officer shall prepare a formal decision notice, after consultation with the Chairman of the ~~Adjudication and Review~~ Hearing Panel and send a copy to the person making the allegation and to the Member/Co-opted Member concerned. The Monitoring Officer shall make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Appeals

- 10.1 There is no right of appeal for either the person making the allegation or for the Member/Co-opted Member against whom the allegation is made against a decision of the Monitoring Officer, an ~~Adjudication and Review~~ Assessment Panel or an ~~Adjudication and Review~~ Hearing Panel.

APPENDIX A

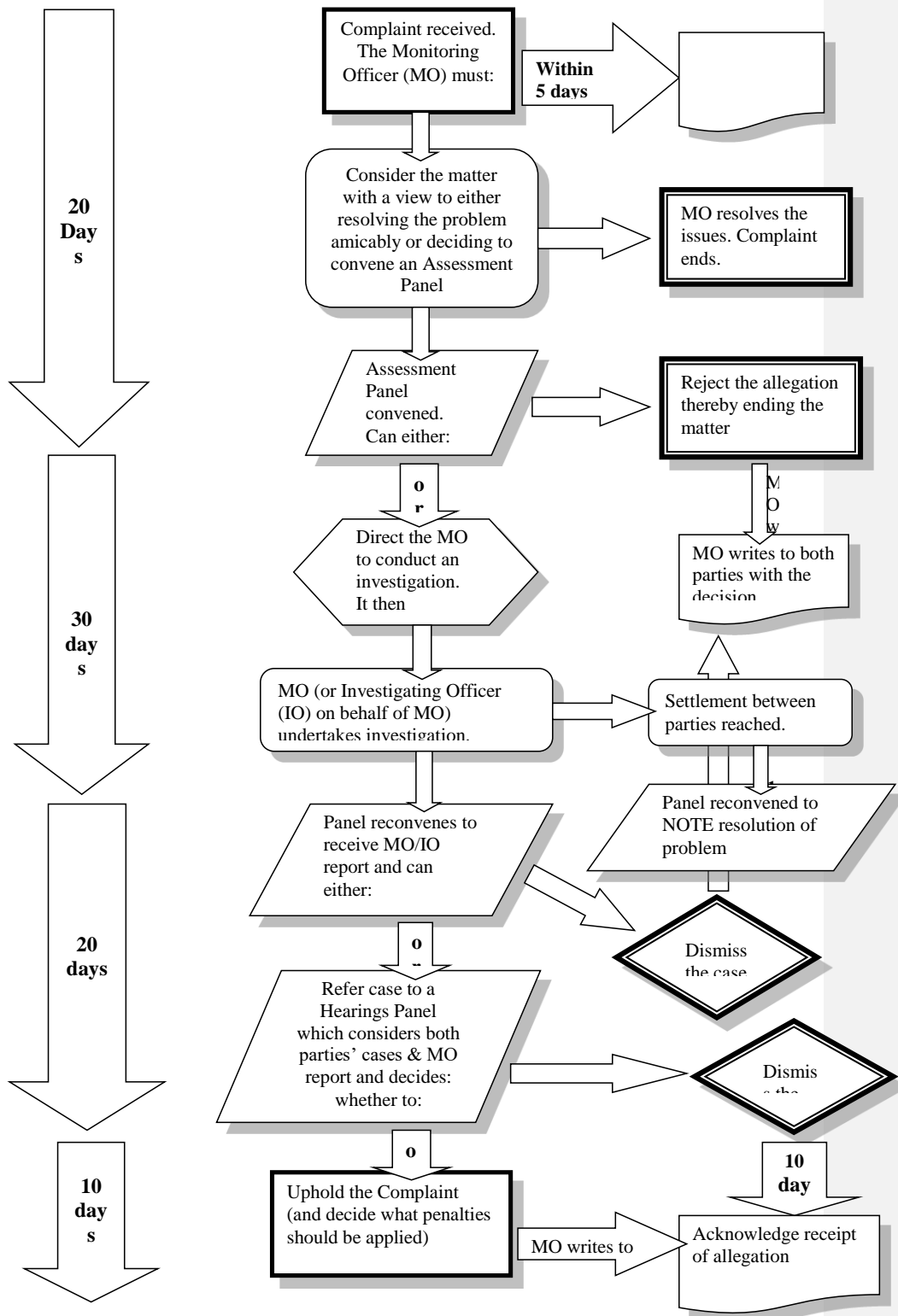
HEARING PROCEDURE

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be affected at the discretion of the ~~Adjudication and Review~~ Hearing Panel and advised to the Parties.

1. The Chairman shall facilitate introductions and explain the procedure for the Hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to make an opening statement with reference to the Investigation Report.
3. The person making the allegation and the Member/Co-opted Member or their representatives (hereinafter called 'the Parties') shall be invited to make opening statements with reference to the allegation and/or the Investigation Report.
4. Members of the ~~Adjudication and Review~~ Hearing Panel may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report.
5. Members of the ~~Adjudication and Review~~ Hearing Panel may question the Parties upon the allegation and/or with reference to the Investigation Report.
6. The Monitoring Officer/Investigating Officer may make a closing statement.
7. The Parties or their representatives may make closing statement.
8. The Chairman shall invite the persons who may not be present during the Panel's deliberation upon the allegation to withdraw to enable the Panel to deliberate upon the allegation. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
9. The Monitoring Officer/Investigating Officer and the Parties shall be invited to return and the Chairman shall announce the Panel's decision in the following terms:
 - (a) The Panel has determined that the Member/Co-opted member has failed to comply with the Members' Code of Conduct; or
 - (b) The Panel has determined that the Member/Co-opted Member has not failed to comply with the Members' Code of Conduct and the allegation is dismissed.

The Panel will give reasons for its decision. If the Panel has determined that the Member/Co-opted Member has failed to comply with the Members' Code of Conduct it shall consider any representations from the Member/Co-opted Member or his/her representative as to whether any action should be taken and what form any action should take.

10. The Chairman shall invite the persons who may not be present during the Panel's deliberation upon the allegation to withdraw to enable the Panel to deliberate upon what action, if any, should be taken. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
11. In addition to any action upon the current matter, the Panel shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members/Co-opted Members.
12. The Monitoring Officer/Investigating Officer and the Parties shall be invited to return and the Chairman shall announce the Panel's decision.
13. A full written decision shall be issued to the person making the allegation and the Member/Co-opted Member within 10 clear working days following the Hearing and shall be published.



Appendix 3 – Areas for review (non-exhaustive list)

Description of Change	Section of Constitution	Action
Amendment to scheme of delegation	Part 3.4 HR powers	To delegate authority for approval to create posts PO7 and below to relevant Director.
Amendment to scheme of delegation	Part 3.8 Functions of Director of Regeneration	To incorporate functions of Director of Regeneration and amend reporting lines to reflect change in organisational structure
Amendment to scheme of delegation	Part 3 Functions relating to Planning	To incorporate Land Charges functions and comprehensive list of relevant legislation
Procedural Havering Procurement Process	Part 4.4 Contract Procedure Rules Part 4.8 Financial Procedure Rules	To provide clarity and on rules and an effective procedure
Procedural Planning Committee Procedure	Part 4.10 Planning Committee Procedure Rules	To provide clarity in rules
Procedural	Part 5.3 Protocol on Gifts and Hospitality	To review and update as appropriate
Procedural	Part 5.4 Protocol on Member / Officer relations	To review and update as appropriate
Procedural	Part 5.6 Staff Code of Conduct	To review and update as appropriate

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FULL COUNCIL, Wednesday 7th September 2022

MEMBERS' QUESTIONS

Overview & Scrutiny

- 1) **To the Chairman of the Overview and Scrutiny Committee (Councillor Gerry O'Sullivan)**
From Councillor Damian White

At of the 5th July meeting, the Overview and Scrutiny board voted to establish a series of task and finish working group as soon as possible, as of yet, not one has been convened. Considering the financial pressure that the Council is under, when will the Chairman set a date for the financial working party to meet?

Traffic Calming Measures, Harold Wood Area

- 2) **To the Cabinet Member for Environment (Councillor Barry Mugglestone)**
From Councillor Darren Wise

Please could the cabinet member confirm what actions and assurances will the Council give to residents of Harold Wood that traffic calming measures will be implemented in order to reduce speeding in the Warley Road, Nags Head Lane, Hall Lane, Shepherds Hill Junction as there have been a number of accidents in this location over recent years. This has been raised with the Council a number of times and so far there has been a distinct lack of action.

Parking Proposals in Havering

- 3) **To the Cabinet Member for Environment (Councillor Barry Mugglestone)**
From Councillor Damian White

Will the Cabinet member make a statement on the proposals to withdraw 1-hour free parking on street across Havering, as well as the removal of the pay by app discount, referencing any public consultation that has taken place and outlining the impact assessment that has taken place on Havering shops and businesses. Do they believe that removing these measures will have a positive impact on our town centres?

Climate Change

- 4) **To the Cabinet Member for Climate Change (Councillor Keith Darvill)**
From Councillor Martin Goode

In 2019, there was a motion by your cabinet colleagues to call for a climate emergency which got defeated though other measures were considered and in particular we welcome the green forum that was introduced by the last administration. Now with the recent extreme temperatures and devastating fires locally, nationally and globally and ongoing warnings and issues with our climate, will the cabinet member and administration now call for and support a climate emergency to be declared in Havering.

Cost of Transportation to Social Day Care Centres

**5) To the Cabinet Member for Adults and Health (Councillor Gillian Ford)
From Councillor Damian White**

In a cost-of-living crisis, will the cabinet member justify the recent decision to increase transport costs for some of the most needy in Havering to attend their social care day care centres by up to 50% and would the cabinet explain why a full Equalities and Health Impact Assessment has not been undertaken before the decision was taken.

Moving Traffic Conventions

**6) To the Cabinet Member for Environment (Councillor Barry Mugglesone)
From Councillor Damian White**

Will the cabinet member provide a statement on phase two of the moving traffic convention programme, including locations, expected income generation from PCNs and an update on the phase 1.

Housing Targets

**7) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Damian White**

It has been reported that the Leader of the Council has recently said that his administration is looking at going out rather than up to meet the housing needs targets of Havering, will he confirm that Havering's greenbelt is safe under the Labour-HRA joint administration and that his administration will fight against any reallocation of the borough's greenbelt.

Timetable for Council-wide Review

**8) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Damian White**

Will the Leader of the Council provide a timetable for the systemic root and branch review of council and when will the findings be brought forward

Energy Rebate Scheme

**9) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Damian White**

Considering the cost-of-living crisis, will the administration provide a statement on why they have opted to provide £17 of financial support to multi-millionaires rather than providing increased support to the borough's poorest through the energy rebate scheme

Environmental Enforcement Trial

**10) To the Cabinet Member for Environment (Councillor Barry Mugglestone)
From Councillor Damian White**

Will the administration make a statement on the new enforcement trial that they have launched, which is expected to raise £750,000 from PCNs and a further £100,000 from internal savings?

Refuse Collections

**11) To the Cabinet Member for Environment (Councillor Barry Mugglestone)
From Councillor Damian White**

Will the administration make a statement on the weekly refuse collection and whether this will be maintained over the next four years for both domestic waste and recycling.

Kerbside Glass Recycling

**12) To the Cabinet Member for Environment (Councillor Barry Mugglestone)
From Councillor Damian White**

Can the coalition administration confirm that they intend to introduce kerbside glass recycling across Havering?

Appointments to Senior Posts

**13) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Damian White**

The Council is currently recruiting for two new senior roles at grade 11 and grade 12, within the advert, it states that the successful applicant will be expected to attend the Town Hall for meetings 1 or 2 days per month – considering this, will the administration make a statement on home working and if they feel that a manager on £77,000 a year should only attend the Town Hall twice a month?

Voluntary Redundancy Scheme

**14) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Damian White**

Can the administration confirm how many voluntary and non-voluntary redundancies were made as a result of the recent redundancy programme and were any redundancies made at senior leadership level?

Redundancy Scheme Savings

**15) To the Leader of the Council (Councillor Ray Morgon)
From Councillor Damian White**

Can the administration confirm the total annual savings made as a result of the redundancy programme?

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COUNCIL, 7 SEPTEMBER 2022

MOTIONS

FREE PARKING

Motion on behalf of the Conservative Group

This Council acknowledges the impact of the cost-of-living crisis and calls on the administration to commit to maintaining the 1 hr free parking period for on-street parking as introduced during the pandemic.

Amendment on behalf of the East Havering Residents' Group

To remove the words 'as introduced during the pandemic' and add the words 'and will ensure that the 20% discount and incentive for the RingGo App users is maintained'.

For clarity, the amended motion would read as follows:

This Council acknowledges the impact of the cost-of-living crisis and calls on the administration to commit to maintaining the 1 hr free parking period for on-street parking and will ensure that the 20% Discount and incentive for the RingGo App users is maintained.

Amendment on behalf of the Havering Residents Association Group

Council notes that this Administration acknowledges the impact of the current high rate of inflation and the impact that this is having on the budgets of residents, businesses and a variety of other organisations, including Local Authorities, and will be carrying out a comprehensive review of its parking facilities and charges in this new post pandemic environment and with next year's budget in mind.

CASHLESS SOCIETY

Motion on behalf of the Conservative Group

Given the increasing rise of cashlessness, and the dangers of digital exclusion, Havering Council commits to protecting and promoting access to cash including ensuring cash payments are accepted for all council provided services.

Amendment on behalf of the Havering Residents Association Group

Council notes that this Administration will ensure that during its modernisation of how this Council operates, it will ensure that any proposed change has a full Equalities Impact Assessment.

COUNCIL TAX SUPPORT

Motion on behalf of the Conservative Group

Following the receipt of £684,900 in government funding for the Energy Rebate Scheme, Havering Council will revisit the recent decision to cap support at £150 per home and to provide 24,056 homes with a £17 payment. Instead ensuring that Havering's poorest homes receive a greater level of financial support. Council therefore calls on Cabinet agrees to review the rebate system going forward to ensure that the poorest and most vulnerable members of Havering are provided with the greatest level of financial assistance.

Amendment on behalf of the Havering Residents Association Group

Council notes that should the new Government provide a new Energy Rebate Discretionary Scheme, this Administration will continue to consider the most practical and cost efficient way of ensuring that payments are made in the most fair and equitable way possible.