



Havering

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

GOVERNANCE COMMITTEE AGENDA

7.00 pm

Wednesday
26 November 2025

Appointments Centre,
Rooms 7 and 8,
Town Hall, Main Road,
Romford

Members 12: Quorum 5

COUNCILLORS:

Conservative Group (2)

Nisha Patel
Viddy Persaud

Labour Group (2)

Keith Darvill
Matthew Stanton

Residents' Association Independent Group (1)

John Tyler

Havering Residents' Group (5)

Ray Morgon (Chairman)
Gillian Ford (Vice-Chair)
Stephanie Nunn
Barry Mugglestone
Reg Whitney

East Havering Residents Group (1)

Martin Goode

For information about the meeting please contact:
Anthony Clements tel: 01708 433065
e-mail: anthony.clements@onesource.co.uk

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

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:-

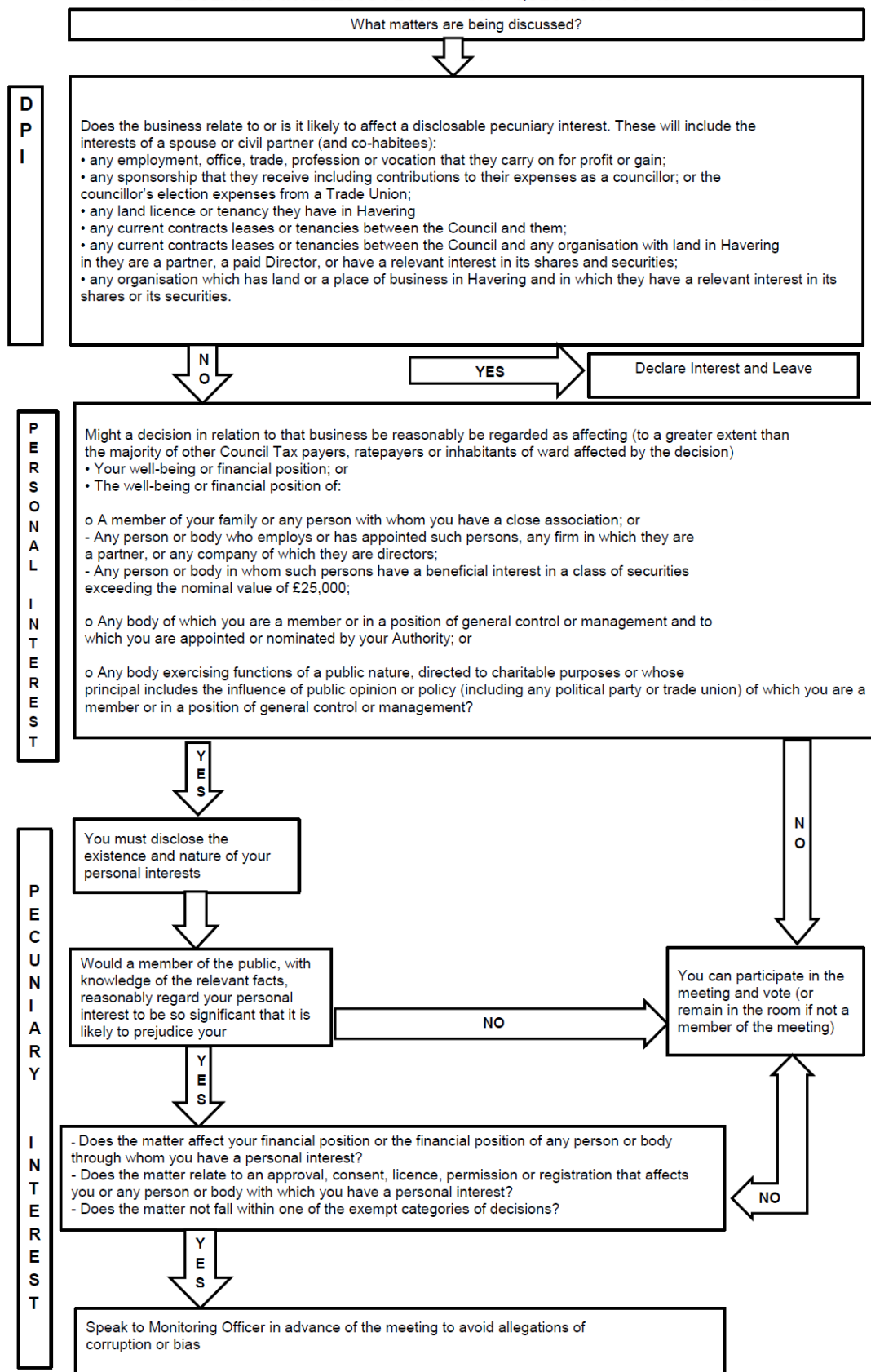
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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



Principles of conduct in public office

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

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

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

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

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

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

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

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

AGENDA ITEMS

1 CHAIR'S ANNOUNCEMENTS

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

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) – receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in any item at any time prior to the consideration of the matter.

4 MINUTES (Pages 7 - 16)

To approve as a correct record the minutes of the Committee held on 6 May 2025 (attached) and to authorise the Chairman to sign them.

5 INDIVIDUAL POLLING PLACE REVIEW (Pages 17 - 22)

Report attached.

6 CONSTITUTIONAL REVIEW AND GOVERNANCE MATTERS (Pages 23 - 50)

Reports attached.

7 PENSIONS COMMITTEE - STAFF MEMBER VOTING RIGHTS (Pages 51 - 56)

Report attached.

8 MERCURY LAND HOLDINGS GOVERNANCE

Presentation by Monitoring Officer to be given at meeting.

Zena Smith
Head of Committee and
Election Services

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
6 May 2025 (7.00 - 7.41 pm)**

Present:

COUNCILLORS

Conservative Group	Keith Prince, Joshua Chapman and Nisha Patel
Havering Residents' Group	Ray Morgon (Chairman), Gillian Ford (Vice-Chair), Stephanie Nunn, Barry Mugglestone and Reg Whitney
Labour Group	Keith Darvill and Matthew Stanton
East Havering Residents Group	Martin Goode
Residents' Association	John Tyler
Independent Group	

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

1 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

Apologies were received from Councillor Mandy Anderson (Councillor Matthew Stanton substituting).

2 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

3 MINUTES

The minutes of the meeting held on 12 February 2025 were agreed as a correct record and signed by the Chairman.

The Monitoring Officer updated that he was in discussions with the communications section regarding the elections process for Pensions Committee and would report back at the next meeting. An update on governance issues would also be brought to the next meeting.

The discussion on whether to continue with prayers and the playing of the National Anthem at meetings of full Council would not be considered by the Constitution Working Party in the short term. This would be included in a review of the Council Procedure Rules that was likely to take place within

six months. It was noted that Governance Committee had not made any specific recommendation regarding these issues.

4 **APPOINTMENTS TO OTHER ORGANISATIONS 2025/26**

All Council votes at the Local Government Association (LGA) General Assembly were currently cast by the Leader. The Leader indicated however that he was happy to consider revising this and asked for proposals from Members. It was suggested that each of the four Council nominees should have one vote each with the Leader also casting the fifth allocated vote.

This proposal was agreed by 11 votes to 1 with Councillors Morgon, Ford, Mugglestone, Whitney, Chapman, Patel, Prince, Darvill, Stanton, Goode and Tyler voting in favour and Councillor Nunn voting against.

It was **AGREED**:

As the Council is entitled to 5 votes at the General Assembly of the Local Government Association, cast across 4 appointees from the Council, Governance Committee agrees that each individual appointed to the General Assembly by the Council shall exercise one vote, with the Leader of the Council exercising the extra vote (making two).

It was also noted that Councillor White would replace Councillor Prince on the LGA General Assembly.

The nominations to Outside Bodies were otherwise **AGREED** for non-executive appointments and recommended to the Leader to be made for executive appointments, as shown in the schedules attached to these minutes.

It was **AGREED** that:

Where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may authorise the Chair of the meeting to exercise a proxy vote.

5 **MAYORAL HANDBOOK**

The Head of Committee and Election Services explained that the Mayoral Handbook had previously been presented to the Committee in June 2024 and had since been reworked in light of the comments made by Members. Wording had been amended to reflect that there was no maximum number of recipients for the Civic Awards.

It was planned for the new handbook to be ready for the start of the mayoral year. The handbook would be monitored throughout the year and brought

back to the Committee for review in spring 2026. Feedback on the handbook had also been received from the current Mayor.

Officers would resolve minor issues re use of capital letters etc before the handbook was launched. The reference to the Civic Awards panel would be more clearly defined and the section regarding 'unsung heroes' would also be reworded. It was clarified that there were no significant changes from previous Mayoral operations and that the handbook simply sought to tighten up existing good practice. Mayoral events were also now declared in the Register of Member Interests.

Including the changes outlined above, the Governance Committee **APPROVED** adoption of the Mayoral Handbook.

6 **COUNCILLOR COMPLAINTS - ANNUAL UPDATE**

As Governance Committee had oversight of Member Conduct, the Monitoring Officer had submitted his annual report on this issue. There had been a total of six formal complaints about Members in the previous year. The Monitoring Officer undertook an initial assessment of each complaint which could then be reviewed by an independent person.

In only one case had the Monitoring Officer recommended that a complaint should proceed to an assessment panel but the resident concerned had indicated they did not wish to continue with the process.

The Committee **NOTED** the report.

Chairman

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APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2025/26

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
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Capital Letters- 1	Cabinet Member for Housing Need – <i>Cllr Natasha Summers</i>
CEME (Centre for Engineering & Manufacturing Excellence) - 1	Strategic Director of Place
East London Waste Authority - 2	Cabinet Member for Environment and Cabinet Member for Finance – <i>Cllr Barry Mugglestone</i> and <i>Cllr Chris Wilkins</i>
East London Waste Authority Board (officer)	Director of Environment Assistant Director of Environment
London Councils (Leaders' Committee)	Representative (1): Leader of the Council – <i>Cllr Ray Morgon</i> Deputy: (1) Deputy Leader of the Council – <i>Cllr Gillian Ford</i>
Transport & Environment Committee	Representative (1): <i>Cllr Barry Mugglestone</i> Deputies (up to 4): <i>Cllr Graham Williamson, Cllr Paul McGeary</i>

Appointments to other organisations, 2024/25

Grants Committee

Representative (1): ***Cllr Gillian Ford***

Deputy (up to 4): ***Cllr Oscar Ford, Cllr Natasha Summers***

Pensions CIV (Sectorial Joint Committee)

Representative (1): Chairman of Pensions Committee – ***Cllr Mandy Anderson***

Deputy (up to 2): Vice Chair of Pensions Committee – ***Cllr Stephanie Nunn***

Greater London Employment Forum

Representative (1): ***Cllr Ray Morgon***

Deputy Representative (1): ***Cllr Graham Williamson***

Local London Inter Authority

Representative: Leader of the Council – ***Cllr Ray Morgon***

Deputy: Deputy Leader of the Council – ***Cllr Gillian Ford***

*Agreed by
Executive Decision
on 04/05/2023*

Newable (formerly Greater London
Enterprise Limited) -1

Cllr Graham Williamson

London Riverside (BID) Ltd

Representative (1): Cabinet Member for Regeneration - ***Cllr Graham Williamson***

Thames Freeport Governance Board

Leader of the Council – ***Cllr Ray Morgon***

Appointments to other Organisations 2025/26

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-2	Cabinet Member for Children & Young People – Cllr Oscar Ford and Cllr Joshua Chapman	
Children’s Executive Board	Cabinet Member for Children & Young People – Oscar Ford	
Coopers Company & Coborn Educational Foundation -1	Cllr Christopher Wilkins	
Havering Chamber of Commerce and Industry	Cabinet Member for Regeneration- Cllr Graham Williamson	
Havering Community Safety Partnership – 2	Cabinet Member for Environment – Cllr Barry Mugglestone & the Chief Executive – Andrew Blake-Herbert	
Havering Joint Forum - 6	Leader of the Council – Cllr Ray Morgon Deputy Leader of the Council – Cllr Gillian Ford Leader of the Opposition Group – Cllr Michael White Cllr Keith Darvill Cllr Martin Goode Cllr John Tyler	
Havering Theatre Trust	Cllr Trevor McKeever Cllr Paul Middleton Cllr John Wood	

Appointments to other Organisations 2025/26

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
<i>Hornchurch Housing Trust (Nomination Trustees) - 1</i>	Councillor Carol Smith (sine dies)	
Local Government Association General Assembly - 4	Leader of the Council – Cllr Ray Morgon Councillor Gillian Ford Councillor Keith Darvill Councillor Michael White	
Local Government Information Unit - 1	Leader of the Council- Cllr Ray Morgon	
London Road Safety Council - 2	Cabinet Member for Environment – Cllr Barry Mugglestone and Cllr Jane Keane	
London Youth Games-1	Cabinet Member for Adults & Wellbeing – Cllr Gillian Ford	
<i>Lucas Children's Play Charity Nominative Trustees – 2</i>	<i>Councillor Jane Keane (until June 2028) Councillor Matthew Stanton (until June 2028)</i>	
NELFT NHS Council of Governors	Cllr Jacqueline McArdle (until July 2026)	
North East London NHS Foundation Trust – 1	Strategic Director of People – Barbara Nicholls	
Poyntz (a.k.a. Richard Poyntz's) and other charities	1 ex-officio 2 Vacancies Representative Trustees (until March 2028)	<i>Cllr Williams resigned as at 31.12.2024</i>

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Reserve Forces & Cadets Association -1	Champion for the Armed Forces- Cllr Barry Mugglestone	
Romford Town Management Partnership	Cabinet Member for Regeneration- Cllr Graham Williamson	
<i>Romford Combined Charity <u>Nominative Trustees</u> – 2</i>	Mrs Wendy Brice Thompson and Councillor Jane Keane (until 3.11.26) Mr Melvin Wallace (until 3.11.27) Councillor Viddy Persaud (until 3.11.28)	
Safer Neighbourhood Board	Cabinet Member for Environment – Cllr Barry Mugglestone	
Standing Advisory Council for Religious Education (SACRE) - 5	Vacancy Councillor Jacqueline McArdle Councillor Philip Ruck Councillor David Taylor Councillor Katharine Tumilty	
Tenant Management Organisations - 3	BETRA (Gooshays) – Councillor Paul McGeary DELTA (Squirrels Heath)- Ward Councillor – Councillor Keith Prince PETRA (St Andrews’) – Councillor Bryan Vincent	
<i>Wennington Quarry Community Liaison Committee- 1 (until May 2026)</i>	Councillor Sarah Edwards	

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GOVERNANCE COMMITTEE

Subject Heading:	Individual Polling Place Review
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Zena Smith Head of Committee and Election Services 01708 431 585 zena.smith@havering.gov.uk
Policy context:	There are no direct resource implications.
Financial summary:	There are no direct resource implications.

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

People - Things that matter for residents -

Place - A great place to live, work and enjoy –

Resources - A well run Council that delivers for People and Place. - X

SUMMARY

The London Borough of Havering undertook a review of all Polling Districts and Polling Places in accordance with the requirements of section 18C of the Representation of the People Act 1983 (as amended by section 17 of the Electoral Registration and Administration Act 2013 and the Elections Act 2022). This action fulfilled the council's duty to conduct a compulsory polling district and polling places review in the period of 1 October 2023 until 31 January 2025.

This report was agreed at Governance Committee on 13th November 2024 and ratified at full Council on 20th November 2024. Since this decision there has been a change within one polling district SQ3 – Squirrels Heath Ward.

The current polling station used for the polling district SQ3 is Gidea Park library, the library is no longer in use. The polling district has been reviewed for an alternative venue, and the recommendation is that Squirrels Heath school be used. Whilst it is acknowledged that the use of schools is not always ideal, it is the best solution within the district. I have been liaising with the school so that there is enough notice to use polling day as an inset day if they chose to do so.

REPORT DETAIL

This report seeks to approve the proposed changes set out in the report and if agreed, these changes will be incorporated into the register and will be ratified at the Full Council meeting being held on 21st January 2026.

When considering venues to be used as polling stations the following criteria should be taken into account.

- To ensure all electors have reasonable facilities for voting, and as far as possible polling places are accessible to all electors.
- Where current polling districts can continue as the major part of the new districts, and there are sensible reasons for continuing with existing arrangements, then this principle has been followed.
- To consider natural boundaries for example railway lines, major roads and rivers.
- Account is taken of justifiable complaints by electors, feedback from staff and any responses received from a consultation.

- Polling places fall within the Polling District wherever possible

The use of schools be avoided where possible if suitable alternative premises are available.

Background Information

Under the provisions within the Electoral Registration and Administration Act 2013, the previous statutory review was undertaken in 2024.

The 3 ward councillors for the Squirrels Heath Ward have been consulted and agree with this proposal.

This change of venue has been included in calendar brief for Member comment.

RECOMMENDATIONS

That Governance Committee endorse the changes to the Polling Place for Polling District SQ3 (Squirrels Heath Ward)

All other Polling districts and polling places remain unchanged.

If these recommendations are agreed that Full Council on 21st January 2026 approve the decision of the Governance Committee.

IMPLICATIONS AND RISKS

Financial implications and risks: Any increase in the amount of polling stations would incur additional costs in terms of building hire, equipment and polling station staff. The cost incurred from using Council maintained buildings is limited to covering heating, lighting and cleaning costs. These costs are met by the Council only when used for Council elections or by-elections.

Legal implications and risks: The Representation of the People Act 1983 section 18D requires that local authorities designate the polling places within the Parliamentary Constituencies. Under the Representation of the People Act 1983, Returning Officers have the right to use certain public buildings (including schools that receive public funds) for use as polling stations at elections.

Human Resources implications and risks: None.

Equalities implications and risks: 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.

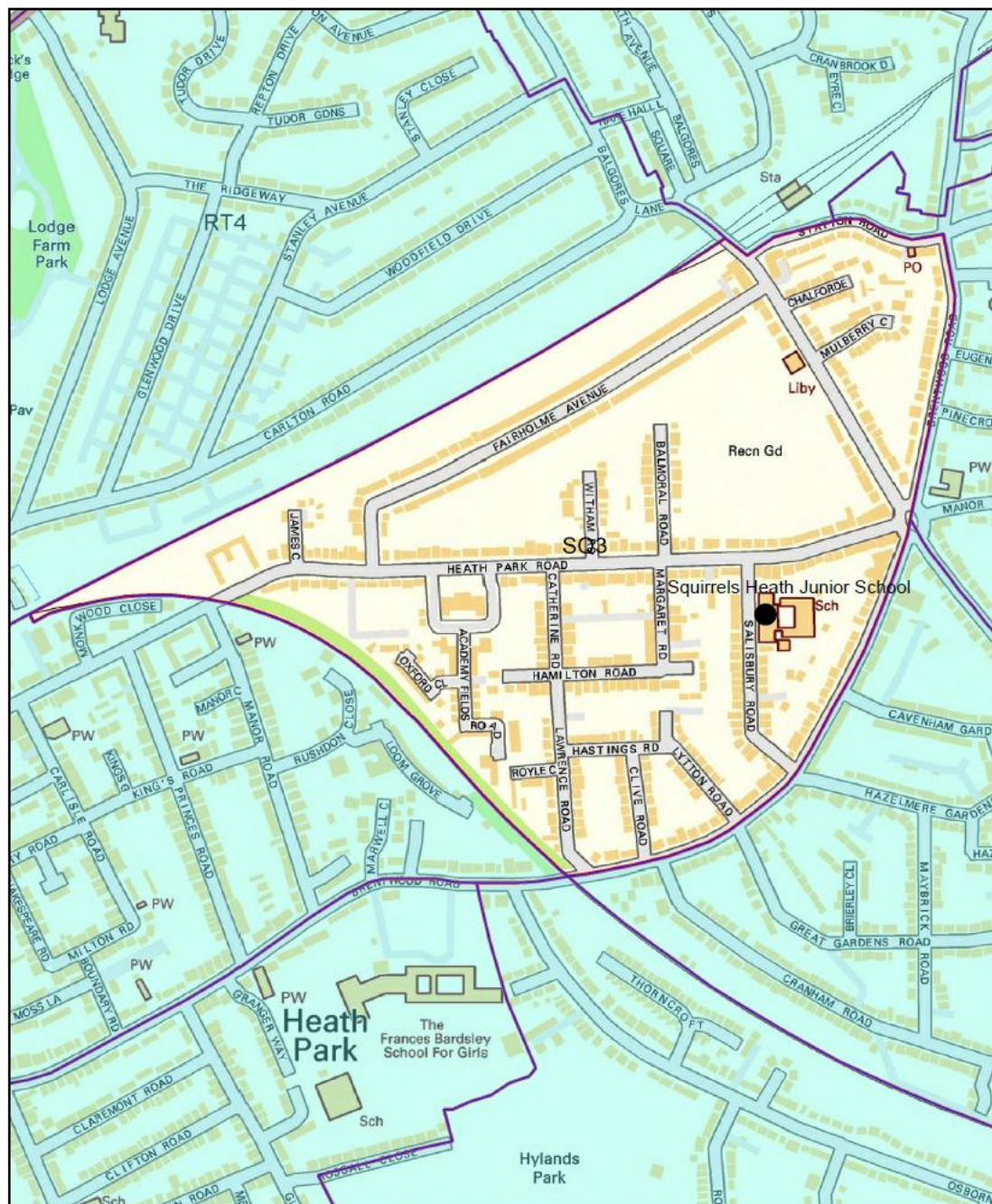
Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

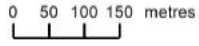
The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health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

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

The review looks to ensure that all eligible electors can access a polling station, and that Staff receive equalities training as part of the mandatory Polling Staff training for each election. I attach a map of the polling district for reference.

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	Scale: 1:6500 Date: 26 June 2019 
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GOVERNANCE COMMITTEE 26 November 2025

Subject Heading:

**CONSTITUTIONAL REVIEW –
VARIOUS PARTS**

ELT Lead:

Gavin Milnthorpe
Deputy Director, Legal Services
01708 432838

Report Author and contact details:

Gavin Milnthorpe
Gavin.milnthorpe@haverling.gov.uk

Policy context:

A well run Council that delivers for People and Place.

Financial summary:

There are no financial implications arising from this report.

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. X

SUMMARY

1. Governance Committee (“GC”) is aware that the Council’s constitution is currently being updated on a piecemeal basis, under the direction of the Constitutional Working Group (“CWG”). A summary of the changes made to date and the likely ongoing programme is included for information.
2. This report sets out detail on the latest round of changes.

RECOMMENDATIONS

3. GC is asked to consider the revised constitution, as attached to this report and to recommend that it be submitted to Full Council (“FC”) for approval and adoption, subject to consideration of any changes as suggested by GC.

REPORT DETAIL

4. The following table shows the latest position in respect of the ongoing programme of constitutional review:

Part 1	Summary of the Constitution	Reviewed and updated
Part 2	Articles	Reviewed and updated
Part 3	Responsibility for Functions 3.1 Full Council & Committees 3.2 Executive (Leader, Cabinet, etc) 3.3 Officers (including property disposals code) 3.4 Local choice functions 3.5 Proper officer functions	Reviewed and updated although certain refinements continue to be proposed – for example, the interrelation between the Director of Children’s Services and the Director of Starting Well. Further changes will come forward in due course.
Part 4	Rules of Procedure	
	4.1 Access to Information	New section prepared, covering access to info for councillors and general public. Approved by CWG. Included in this paper.
	4.2 Budget and policy framework procedure rules	
	4.3 Committee procedure rules	These rules have not been considered in full but small changes will be required if the latest Pension Committee proposals are accepted. Covered by way of separate report.
	4.4 Contracts procedure rules	Currently under review. Hope to be in place by 1 April 2026. Hopefully to GC in January.
	4.5 Council procedure rules	Likely to be reviewed in 2026 to cover discussions on motions, prayers etc that have arisen in the last year or so.
	4.6 Executive procedure rules	
	4.7 Statement of Finance	

	Policy Principles	
	4.8 Financial Regulations	
	4.9 Overview & Scrutiny Committee Procedure Rules	Likely to be reviewed in 2026 in line with introduction of Overview and Scrutiny working protocol.
	4.10 Planning procedure rules	Changes were initially considered by CWG but stood down due to changes in national approach.
	4.11 Staff employment procedure rules	
Part 5	Codes and Protocols	
	5.1 Members' Code of Conduct	Likely to be reviewed in 2026.
	5.2 Arrangements for dealing with allegations that a member has failed to comply with the Members' code of conduct	Updated and agreed by CWG. Included in this report.
	5.3 Protocol on gifts and hospitality	
	5.4 Protocol on Member - Officer relations	
	5.5 Protocol on probity in planning Matters	
	5.6 Staff Code of Conduct	
Part 6	Members' Allowances	
Part 7	Management Structure Chart	To be deleted.

5. Whilst not having a specific place within the constitution, GC may also wish to note the following work which has been undertaken under the direction of the CWG:

- (a) the policy framework is being reviewed to identify who has the authority to sign off which policies across the Council.
- (b) The flag flying and lightning up policy is now in place.
- (c) The social media protocol for members is now in place.
- (d) Write off authorisations at officer level are now in place.
- (e) Honorary awards protocol is now in place.

Access to Information

6. Attached to this paper is a revised Part 4.1 which GC is invited to review.

7. It can be compared against the original which can be found here:

[Part 4.1 - Access to information procedure rules.pdf](#)

8. The provisions have been reordered and are, hopefully, clearer to both councillors and members of the public.
9. Information relating to the forward plan and the dates upon which decisions can be made have been removed as they do not appear to fit within the main purpose of Part 4.1. It is envisaged that these provisions will be added to a new schedule 4.12.

Member code of conduct complaints procedure

10. Attached to this report is a revised Code of Conduct which GC is invited to review.
11. It can be compared against the original which can be found here:

[Part 5.2 - Arrangements for dealing with allegations that a member has failed to comply with the Mem.pdf](#)

12. The main change is the introduction of a viability stage. This is a paper-based exercise to strike out those complaints which are manifestly ill-advised.

Other changes

13. The Monitoring Officer ("MO") is entitled to make changes to the Constitution in accordance with part 3.3.7. For the sake of completeness, a summary of those changes made and proposed are set out below:
 - (a) Part 3.3.3 Appendix A has been updated to cover new legislation in Trading Standards.
 - (b) The constitution still contains references to SLT, Second Tier Managers and some other terms that are now outdated. The MO intends to go through the same and update accordingly.

IMPLICATIONS AND RISKS

Equalities implications and Risks

14. None.

Legal implications and Risks

15. A key role for GC 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 better to achieve the purposes set out in Article 1, including setting the framework within which the Council operates, enabling the Council to provide clear leadership to the community and providing an effective means of holding decision-makers to public account.

16. Changes to the constitution will be approved by FC only after consideration of the proposals by GC.
17. It is the MO's responsibility to maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members, staff and the public. The proposals set in the report are intended to meet these requirements.

Financial implications and risks:

18. There are no financial implications arising from the contents of this report.

Human Resources implications and risks:

19. The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

Environmental and climate change implications and risks

20. None.

BACKGROUND PAPERS

None.

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Part 5.2

Member Code of Conduct Complaints Procedure

1. Definitions

- 1.1 The following definitions are used in this part 5.2 (reproduced from Part 1 of the constitution (except where denoted by an *) for ease of reading):

Assessment Panel	an ad hoc panel of three Councillors taken from the membership of the Governance Committee established to decide whether allegations against Members/Co-opted Members are worthy of investigation.
Code of Conduct	the code of conduct for Members found at part 5.1 of this constitution.
Complainant*	the person (or persons) making a complaint pursuant to this procedure.
Councillors	elected councillors of the Council (and a reference to a Member shall be construed as being a reference to a Councillor). Any reference to a member includes a co-opted member (that is a member who is not a member of the Council but who is entitled to attend the committee or sub-committee on which they sit and may have voting rights).
Hearing Panel	an ad hoc panel of three Members taken from the membership of the Governance Committee established to conduct a hearing.
Independent Person*	a person appointed pursuant to section 28(7) of the Localism Act 2011
Monitoring Officer	the designated monitoring officer of the Council.
Subject Member*	The Councillor about whom a complaint is made pursuant to this procedure.

2. Introduction

- 2.1 The Localism Act 2011 requires local authorities to establish arrangements to deal with allegations of breaches by Councillors of the Code of Conduct.
- 2.2 The Monitoring Officer is responsible for the implementation of this procedure and the management of investigations of alleged breaches. Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer.

- 2.3 The timescales set out in this document are indicative and shall be observed where practicable, but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.
- 2.4 When applying the procedure, due regard will be given to the Council's duty under the Equality Act 2010 and the Human Rights Act 1998. The impact of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) will be considered to ensure that any personal data is processed fairly and lawfully at every stage of the process and reasonable expectations of privacy will be balanced against the public interest.

3. Overview of the process pursuant to this procedure

- 3.1 A Complainant lodges a complaint with the Monitoring Officer in writing.
- 3.2 The Monitoring Officer acknowledges the complaint.
- 3.3 The complaint is assessed for viability.
- 3.4 Where the complaint is deemed viable, the Monitoring Officer will conduct an initial assessment of the complaint to determine whether:
- (a) the complaint is rejected;
 - (b) informal resolution of the complaint is sufficient; or
 - (c) the complaint is to progress to an Assessment Panel.
- 3.5 Where a complaint is referred to an Assessment Panel, the Assessment Panel shall determine whether:
- (a) the complaint is to be investigated further; or
 - (b) the complaint is dismissed.
- 3.6 Where an investigation takes place the investigation report shall be presented to a Hearing Panel who shall thereafter who shall determine whether:
- (a) the complaint is dismissed; or
 - (b) the complaint is upheld.
- 3.7 If the complaint is upheld, the Hearing Panel shall determine the sanction (if any) which shall be applied to the Subject Member.

4. Confidentiality

- 4.1 A complaint is confidential and remains so where no breach of the Code of Conduct is found. In the event that a determination of a breach is made, the Monitoring Officer will assess whether it is in the public interest to disclose details of the complaint.
- 4.2 Anonymised details of all complaints (including the number of those deemed not viable) received in a municipal year will be reported to Governance Committee on an annual basis.

5. Criminal investigations

- 5.1 If the complaint makes allegations that a criminal offence may have been committed, then the matter will normally be referred to the police. In such cases the Monitoring Officer may consider pausing the progress of the complaint pending action by the police.

6. The right of the Monitoring Officer to progress complaints

- 6.1 A Complainant may request that a complaint be withdrawn at any stage and all such requests will be determined by the Monitoring Officer, which may include consultation with an Independent Person. A complaint may still be progressed if in the Monitoring Officer's view this is deemed necessary and in the public interest.

7. Making a complaint

- 7.1 A complaint should be made in writing by letter / email to the Monitoring Officer, or by filling in a complaint form, setting out the alleged breach of the Code of Conduct. Any documents that support the complaint should accompany the form / email / letter.
- 7.2 Reasonable adjustments will be made where, for example, a Complainant has a disability that prevents them from making their complaint in writing. In such cases, a verbal account of their complaint will be transcribed and a written copy produced for approval by the Complainant or the Complainant's representative.
- 7.3 A complaint may be submitted:
 - (a) in writing to: Monitoring Officer, London Borough of Havering, Town Hall, Main Road, Romford RM1 3BD;

- (b) by email to: monitoringofficer@havering.gov.uk with a copy to PAtoCEO@havering.gov.uk
- (c) by way of form: [here](#)

8. Acknowledgment

- 8.1 The Monitoring Officer shall acknowledge the complaint within 5 working days of receipt.

9. Viability

- 9.1 The Monitoring Officer shall review the complaint to determine whether the complaint shall progress to Initial Assessment or whether it should be rejected for lack of viability.
- 9.2 The Monitoring Officer shall be entitled to reject a complaint where:
 - (a) the Subject Member is not named or is not an elected or voting co-opted member of the Council;
 - (b) the Complainant is not named;
 - (c) the complaint contains insufficient information (in the reasonable opinion of the Monitoring Officer);
 - (d) it refers to alleged incidents which happened more than six months ago (except in exceptional circumstances or in the public interest);
 - (e) it relates to alleged behaviour that has already been the subject of a complaint and that complaint has already been dismissed (other than at viability stage), investigated or otherwise resolved;
 - (f) the complaint relates to service failure and should properly be directed to the Council's corporate complaints process.
- 9.3 Where the Monitoring Officer decides to reject a complaint due to viability, they will write to the Complainant explaining why their complaint cannot be dealt with under this procedure. In these circumstances, there will be no right of appeal.
- 9.4 The Complainant shall be informed as to the result of the viability check within 10 working days of receipt of the complaint.

- 9.5 The Complainant may seek to remedy the failures in the complaint and resubmit. Where the Complainant does so, the complaint shall be treated as a new complaint and the procedure shall recommence.

10. Initial Assessment

- 10.1 Where a complaint is deemed viable, the Monitoring Officer shall conduct an Initial Assessment of the complaint.
- 10.2 An Initial Assessment is a review of the information presented by the complaint, together with any comments of the Subject Member and any initial research undertaken by the Monitoring Officer. It is not a formal investigation. However, the Monitoring Officer may request further information of the Complainant or the Subject Member at any time.
- 10.3 The Subject Member will usually be informed of the complaint once it is deemed viable and will be invited to comment on the complaint. The Subject Member is not obliged to comment. For the avoidance of doubt, the Monitoring Officer shall not be obliged to inform the Subject Member of the complaint where the nature of the complaint is such that informing the Subject Member might prejudice the Initial Assessment or further progress of the complaint (such as a referral to the Police).
- 10.4 Many complaints are capable of informal resolution. The complaint itself may specify an acceptable resolution. The Monitoring Officer shall give due regard to the wishes of the Complainant.
- 10.5 If deemed appropriate, the Monitoring Officer may seek to facilitate an informal resolution between the Subject Member and the Complainant prior to issuing an Initial Assessment.
- 10.6 An Initial Assessment shall conclude one of the following:
- (a) that the complaint is rejected;
 - (b) that informal resolution of the complaint is sufficient; or
 - (c) the complaint is to progress to an Assessment Panel.
- 10.7 Complaints will be assessed as to their merits on the basis of the information provided. A complaint may be rejected for a range of reasons, including:
- (a) if it relates to a person who is no longer a Councillor or which refer to alleged incidents before the person became a Councillor;

- (b) that relate to incidents or actions that are not covered by the Code of Conduct;
 - (c) where they relate to a Subject Member's personal or private life;
 - (d) if it contains trivial allegations, or appears to be malicious, vexatious, politically motivated, tit-for-tat; or is so minor that there is no overriding public benefit in carrying out an investigation;
- 10.8 The Monitoring Officer shall complete the Initial Assessment within 30 working days of the complaint being received. The Initial Assessment shall be sent to the Complainant and the Subject Member. Where no informal resolution facilitation is undertaken the Monitoring Officer shall use reasonable endeavours to issue the Initial Assessment as soon as reasonably practicable after the complaint has been deemed viable.
- 10.9 Where the initial assessment concludes that the complaint is rejected the complaint shall be closed with no right of appeal. The Complainant may resubmit the complaint as a new complaint where new information / evidence comes to light.
- 10.10 Where the initial assessment concludes that the complaint has been informally resolved the complaint shall be closed with no right of appeal. However, where the Initial Assessment provides for remedial action on behalf of the Subject Member and such action is not progressed, the Complainant may request that the complaint be reopened. The Monitoring Officer shall refer all such complaints to an Assessment Panel unless there is a compelling reason not to.
- 10.11 Where the initial assessment concludes that the complaint has been upheld, the Monitoring Officer shall convene an Assessment Panel.

11. Assessment Panel

- 11.1 An Assessment Panel shall be convened within 15 working days of the date of the Initial Assessment.
- 11.2 The Assessment Panel shall consider / review the complaint, the comments of the Subject Member received in response to the complaint (if any) and the Initial Assessment.
- 11.3 After reviewing those documents and discussing the same with the Monitoring Officer the Assessment Panel shall either:
- (a) dismiss the complaint; or

(b) order an investigation of the complaint.

11.4 The Assessment Panel shall inform the Complainant the Subject Member (and their relevant Group Leader) of its decision within 5 working days of making its decision.

12. Investigation

12.1 The Monitoring Officer may conduct the investigation personally or the complaint will be referred by the Monitoring Officer to an officer, an officer of another authority or such other expert as the Monitoring Officer considers appropriate for investigation (the Investigating Officer).

12.2 The Subject Member shall be provided with the details of an Independent Person should they require guidance on the process for investigation of the complaint. Where feasible, the Independent Person shall be a different Independent Person to the one with whom the Monitoring Officer has previously consulted.

12.3 The Investigating Officer may conduct the investigation as they see fit and may request any documents, conduct any interviews or access other information they deem relevant to the investigation.

12.4 Investigations will be undertaken with regard to the following key principles:

- (a) Proportionality. The investigation will strive to be proportionate to the seriousness or complexity of the matter under investigation. Where a matter is straightforward or relatively simple, for example where the facts are not in dispute, there may be no need for any formal investigation, but a report can simply be written up. Equally not all of the steps in this procedure need be followed in every instance of a formal investigation – the Monitoring Officer will make a judgment in each case based on its complexity and contentiousness.
- (b) Fairness. The investigation will ensure that the subject member knows what they are accused of and has an opportunity to make comments on the investigation, including on a draft report.
- (c) Transparency. As far as is practical and having regard to an individual's right to confidentiality, investigations will be carried out as transparently as possible and all parties will be kept up to date with progress in the case.
- (d) Impartiality. An investigator will not approach an investigation with pre-conceived Ideas; will seek to obtain independent evidence to establish

the facts and will avoid being involved where they have a conflict of interest.

- 12.5 Upon conclusion, the Investigating Officer will provide the Monitoring Officer with a report setting out their findings and whether or not, in the officer's view, there have been any breaches of the Member Code of Conduct.
- 12.6 The investigation will normally be carried out and the report provided to the Monitoring Officer within 30 working days of the investigation being commissioned or in exceptional circumstances within a maximum of six months of the complaint being referred for an investigation.
- 12.7 Where the Investigating Officer encounters difficulties obtaining a response, or a person refuses to cooperate with the investigation this should not cause undue delay to the investigation. In such circumstances, having consulted the Independent Person, the Investigating Officer will proceed and document the issues in the Investigation report.
- 12.8 The Investigating Officer's report will set out:
- (a) The details of the allegation
 - (b) The relevant provisions of statute, the Member Code of Conduct and any relevant local protocols
 - (c) The Subject Member's response to notification of the allegation (if any)
 - (d) The views of an Independent Person
 - (e) The relevant information, advice and explanations obtained in the course of the investigation
 - (f) Any documents relevant to the matter
 - (g) A list of those persons they have interviewed and those organisations from whom they have sought information
 - (h) A note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to cooperate
 - (i) A statement of their draft findings of fact
 - (j) Their conclusions as to whether or not the Subject Member has breached the Member Code of Conduct.

- 12.9 The Investigator's draft report will be shared initially with the Monitoring Officer and the Independent Person so that they can satisfy themselves that the investigation is of an acceptable standard and meets the scope of the complaint. The Monitoring Officer and Independent Person will have 10 working days to consider the report. Once the Monitoring Officer is satisfied, the draft report will then be sent to the Complainant and Subject Member for comment within 10 working days.
- 12.10 Where a report concludes that the Subject Member has breached the Code of Conduct the matter will be referred to a Hearing Panel.
- 12.11 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 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 a Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

13. Hearing Panel

- 13.1 Where the matter is referred to the Hearing Sub-Committee for decision, the Complainant, the Subject Member, an Independent Person and (where appropriate) the relevant political group leader or equivalent, will be advised of the position and consulted on the date of the Sub-Committee hearing.
- 13.2 Democratic Services will arrange a convenient time and date for the Hearing Sub-Committee to meet and determine the matter. It is anticipated that a hearing will be dealt with on a single day. The Hearing Sub-Committee will be drawn from the main body of the Governance Committee and political proportionality will apply. Members should also have undergone suitable training.
- 13.3 At least 20 working days before the hearing, the Complainant, the Subject Member and an Independent Person will be notified of the date, time and place of meeting, provided with the agenda for the meeting and a copy of the investigation report. They will be invited to attend and identify any witnesses already interviewed that they wish to speak.
- 13.4 At the same time (where appropriate), the relevant political group leader or equivalent will be notified of the date, time and place of meeting, provided with

the agenda for the meeting and a copy of the investigation report, which will be considered in **public / private** session.

- 13.5 The documentation sent out must be treated by all recipients as confidential information until such time (if any) as the report is made available to the press and public or the Hearing Sub-Committee resolves that the press and public should not be excluded from the meeting at which the allegations are heard.
- 13.6 The date of the meeting and the agenda will be published on the Council's website.
- 13.7 If at any point during the process, the Subject Member resigns, loses their seat, is seriously ill or has died, the Hearing Sub-Committee will only hear the matter if it considers it is in the public interest to do so.
- 13.8 The Hearing Sub-Committee's decision as to whether or not there have been any breaches of the Member Code of Conduct and whether any sanctions should be applied shall be final.

14. Representation

- 14.1 The Complainant and Subject Member may be represented or accompanied during the hearing by another person as long as the Hearing Sub-Committee or its chair has given prior consent.
- 14.2 The Complainant and Subject Member may make representations (orally or in writing) or present evidence in accordance with this procedure either personally or through their representative. The Sub-Committee will not normally permit the Complainant or Subject Member and their representative to both make representations. Representations must be made either solely by the representative or solely by the Complainant or Subject Member.

15. Role of the Monitoring Officer at the Hearing

- 15.1 The Monitoring Officer will be the main adviser to the Hearing Panel, unless they have an interest in the matter that would prevent them from performing this role independently. This may be because they have carried out the investigation or have another conflict. If this situation arises, the Monitoring Officer will arrange for another appropriately qualified officer to advise the Panel.
- 15.2 Where the Monitoring Officer has personally conducted the formal investigation of a complaint, they will delegate the role of advising the Hearing Panel and, where the Monitoring Officer intends to undertake the role of advising a potential hearing, they will delegate the investigative role. The Monitoring Officer will not undertake both roles in the same case.

15.3 The Monitoring Officer or other legal adviser's role in advising the Hearing Panel is to:

- (a) make sure that members of the panel understand their powers and procedures;
- (b) make sure that the procedure is fair and will allow the complaint to be dealt with as efficiently and effectively as possible.

16. Outline of the Procedure for the Hearing

16.1 The Hearing Panel may govern its own procedure as long as it acts fairly. It may request advice from the Monitoring Officer at any time. However, in general the following procedure should be adopted:

- (a) Hearings should normally be held in private unless the Hearing Panel has resolved not to exclude the press and public from all or any part of the hearing in accordance with the Council's Access to Information Procedure Rules.
- (b) Any submissions by either party about the conduct of the case, including disputes about witnesses, potential new information, new supporting documents etc, should be provided prior to the commencement of the hearing.
- (c) Witnesses (including the Complainant) are not to be present in the hearing until they have been called to give their evidence.
- (d) If the Subject Member is not present, then the Sub-Committee shall consider whether or not to proceed. If the Sub-Committee is not satisfied that there is sufficient reason for the Subject Member's absence, it may proceed to consider the matter and make a determination in the absence of the Subject Member. If the Sub-Committee is satisfied there is sufficient reason, it shall adjourn the hearing to another date unless the Subject Member has indicated that the hearing may proceed in their absence.

17. Order of witnesses

17.1 The Investigating Officer presents the evidence on which they rely and calls any witnesses;

17.2 The Investigating Officer makes submissions about whether the facts constitute a breach of the Member Code of Conduct;

- 17.3 The Investigating Officer makes submissions as to the seriousness of the breach and the appropriate sanction in the event that the Sub-Committee decides that a breach has occurred;
- 17.4 The Subject Member and members of the Sub-Committee may ask questions through the chair of the Investigating Officer and/or their witnesses;
- 17.5 The Subject Member may present evidence on which they rely and call any witnesses referred to in the Investigating Officer's report;
- 17.6 The Subject Member may make submissions about whether the facts constitute a breach of the Member Code of Conduct;
- 17.7 The Subject Member may make a statement in mitigation in regard to the seriousness of the breach and the appropriate sanction in the event that the Sub-Committee decides that a breach has occurred;
- 17.8 The Investigating Officer and members of the Hearing Sub-Committee may ask questions of the Subject Member and/or their witnesses through the chair or their representative;
- 17.9 The Sub-Committee retires to decide the facts and whether, on the balance of probabilities, there has been a breach of the Member Code of Conduct. At this point, the Sub-Committee should ask all present to leave the room whilst they consider the matter.
- 17.10 Once the Sub-Committee has concluded its findings as to whether the facts amount to a breach, the Complainant and Subject-Member will re-enter the room and the decision is read out.

18. Outcome

- 18.1 If the Hearing Sub-Committee decides there has been a breach of the Member Code of Conduct, then it can determine whether and if so, which of the following sanctions should apply:
 - (a) Publish findings in respect of the Subject Member's conduct; **[1]**
 - (b) Report findings to the Council for information;
 - (c) Recommend to the Council that the Subject Member be issued with a formal censure or be reprimanded;

¹ The Monitoring Officer in consultation with the Chief Executive will consider whether it is in the public interest to do so and details will be limited to a brief summary of the complaint and reasons for the Panel's decision.

- (d) Recommend to the Subject Member's political group leader (or in the case of un-grouped members, recommend to the Council) that they be removed from any or all committees or sub-committees of the Council;
 - (e) Recommend to the Mayor that the Subject Member be removed from Cabinet, or removed from particular portfolio responsibilities;
 - (f) Arrange training for the Subject Member;
 - (g) Recommend the Subject Member's removal from all outside appointments to which they have been appointed or nominated by the Council;
 - (h) Recommend withdrawal of facilities provided to the Subject Member by their council, such as a computer, website and/or email and internet access;
 - (i) Recommend the exclusion of the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Full Council, committee and sub-committee meetings.
 - (j) Recommend the Subject Member contacts the Council only via specified point(s) of contact.
- 18.2 The Sub-Committee has no power to suspend or disqualify a member or to withdraw a member's basic or special responsibility allowance.
- 18.3 The Sub-Committee will issue a formal written decision together with supporting reason as soon as practicable after the end of the hearing and in any event within 5 working days.

19. Appeals

- 19.1 There is no right of appeal for either the Complainant or the Subject Member against a decision of the Monitoring Officer, an Assessment Panel or a Hearing Panel.

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PART 4.1

ACCESS TO INFORMATION PROCEDURE RULES

PART 1 APPLICABLE TO MEMBERS OF THE PUBLIC

Note:

Councillors have the benefit of these rights (by virtue of being members of the public) alongside those additional rights of access as detailed in Part 2 below.

1. SCOPE

- 1.1 These rules apply to all meetings of the Council and its committees (including joint committees) held under the auspices of the Local Government Act 1972 and to public meetings of the Cabinet (together called meetings).
- 1.2 These rules do not apply to meetings whose sole purpose is for Officers to brief Councillors.
- 1.3 They are complementary to the statutory rights of access to information conferred by Sections 100A to H and schedule 12A of the Local Government Act 1972, as amended, the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, as amended.

2. DEFINITIONS

- 2.1 In these Rules, “clear days” means a normal working day, excluding:
 - 2.1.1 the day of publication in hard copy
 - 2.1.2 the day of the meeting
 - 2.1.3 Saturday and Sunday
 - 2.1.4 Public or bank holidays
 - 2.1.5 Other days when the Council’s offices are closed (other than in circumstances that could not reasonably have been foreseen)

3. GENERAL PRINCIPLE

- 3.1 All Council meetings will be open to the public except where the public may be excluded in accordance with the law or the provisions of these rules.
- 3.2 The circumstances in which the public must or may be excluded from meetings are set out in Appendix A to this Part 4.1.

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at Havering Town Hall and on the Council website.

5 ACCESS TO PAPERS BEFORE MEETINGS

5.1 At least five clear days before the meeting, the Council will post electronic versions of:

5.1.1 the agenda and the minutes of the previous meeting and any subsequent special meeting(s) (if available);

5.1.2 such reports as are open to the public on its website.

Any background papers referred to within the reports will be made available (electronically) upon request.

5.2 A paper copy of these documents will be available for inspection at Havering Town Hall at least five clear days before the meeting.

5.3 If a report is published later than the agenda or an item is added to the agenda, that report and any revised agenda will be made available to the public for inspection at the same time as it is sent to Members of the Council. Such agendas and reports will be added to the Council's website as soon as possible.

6. SUPPLY OF COPIES

6.1 The Council will supply to any person on request copies of:

6.1.1 any agenda and reports (including background papers) which are open to public inspection

6.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda

6.1.3 if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item

6.2 A charge for postage and any other costs may be made for the supply of all such documents.

7. ACCESS TO PAPERS AFTER MEETINGS

7.1 The minutes of a meeting will be made available (in draft / unconfirmed form) as soon as possible after the meeting.

7.2 Electronic copies of documents will be available on the Council's website. The Council reserves the right to place documents in an electronic archive of

previous decision making, governance and meeting documentation from which copies will be made available on request.

8 RECORD OF DECISIONS OF CABINET

- 8.1 The law requires that, as soon as practicable after any meeting of the Cabinet, whether held in public or private, a record must be made of every decision taken at that meeting, including a statement of the reasons for each decision and of any alternative options considered and rejected at that meeting.
- 8.2 The minutes of a meeting will usually constitute this record of decisions, although a separate decision notice will usually be issued as soon as possible after the meeting.

9. FORWARD PLAN

The Council has a statutory duty to publish all key decisions in its forward plan. This is a publicly accessible document.

PART 2

APPLICABLE TO COUNCILLORS

These rights of access are in addition to those in Part 1 above.

10. GENERAL POSITION

Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. (reproduced from para 2.2.2 of Articles 2).

11. ADDITIONAL RIGHTS OF ACCESS

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision.

12. CALENDAR BRIEF

Councillors will receive notice of all key decisions taken by the Council by way of a weekly Calendar Brief publication.

13. EXTENDED RIGHTS OF ACCESS

Statutory provisions

- 13.1 As detailed in the Local Government (Access to Information) Act 1985 (which is Section 100F of the Local Government Act 1972).
- 13.2 Section 100F provides that all Councillors will be entitled to inspect any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee unless it contains exempt information falling within paragraphs 1-2 or 4-7 of the statutory categories of exempt information (as set out in the appendix below).
- 13.3 The Local Government Act 2000, executive arrangements are specified to be subject to the same provisions as set out in 13.2 above.
- 13.4 It is a matter of fact as to whether or not the information is 'in the possession or under the control of the Council'. The key issue to be determined is whether or not the information belongs to the Council or to another person. If it belongs to another person, Officers will only release any confidential information after an appropriate consent to release such information has been obtained from the relevant person.

Common law principles

- 13.5 In addition to the statutory provisions, any Councillor has a right to inspect Council documents so far as their access to the documents is reasonably

necessary to enable the Councillor properly to perform their duties as a Member of the Council.

- 13.6 Access to information will vary from Councillor to Councillor. The Monitoring Officer has the power to decide on a case by case basis a Councillor's common law right to access documents. There is a right of appeal to the Chief Executive in instances where the request is denied. The Monitoring Officer (and Chief Executive on appeal) may refuse such a request where there are grounds to suspect that the motive of the Councillor making the request is indirect, improper or ulterior.
- 13.7 It is the Council's practice to allow Group Leaders to access exempted information upon request.
- 13.8 The law does not entitle a Councillor to go on a "roving or a fishing expedition" or to receive every working document that Officers have access to or may have had access to in the past.
- 13.9 Councillors remain subject to any duty of confidentiality that might apply to any document. A breach of confidence by a Member is actionable by way of a complaint to the Council's Monitoring Officer. If the breach is serious enough, the person whose confidence has been betrayed may also bring a civil action against the Member (and/or the Council) for damages.

14. COMMITTEES

- 14.1 As stated above in 13.5, any Councillor has a right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the Councillor properly to perform their duties as a Member of the Council. The entitlement of a relevant Committee Member to inspect documents relating to any decision which the Committee is concerned with shall be considered accordingly.

APPENDIX A

EXCLUSION OF PUBLIC

1. Confidential information – requirement to exclude public

- 1.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- 1.2 “Confidential information” means information given to the Council by a Government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

2. Exempt information – discretion to exclude public

- 2.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 2.2 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified below. The parties to a hearing will be able to remain throughout until the meeting adjourns to consider a decision.
- 2.3 Exempt information means information falling within the following categories:

Category	
1	Information relating to any individual
2	Information which is likely to reveal the identity of an individual
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
7	Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime.

Category	

- 2.4 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
- 1.4.1 the Companies Act 1985;
 - 1.4.2 the Friendly Societies Act 1974;
 - 1.4.3 the Friendly Societies Act 1992
 - 1.4.4 the Industrial and Provident Societies Acts 1965 to 1978;
 - 1.4.5 the Building Societies Act 1986; or
 - 1.4.6 the Charities Act 1993
- 2.5 Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.
- 2.6 Information which—
- 2.6.1 falls within any of exemptions paragraphs 1 to 7 (within para. 2.3 of this appendix A) above; and
 - 2.6.2 is not prevented from being exempt by virtue of the above paragraphs
- is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. Cabinet

- 3.1 The provisions of this legislation are modified in their application to meetings of the Cabinet as follows:
- 3.2 The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, as amended, provide for additional requirements in respect of key decisions.
- 3.3 Generally, a meeting must be held in public where a key decision will be made or where there will be discussion of matters relating to a key decision to be made subsequently. Where a meeting is to be held in public there must be advance publication of agendas, reports and background papers for the meeting. Likewise, where key decisions are to be made by individuals the documents relating to these decisions must be available to the public. In general, the terms of the Regulations are identical to those of the 1972 Act

and, in particular, the Regulations use the Act's definitions of exempt information.



GOVERNANCE COMMITTEE 26 November 2025

Subject Heading:**PENSION COMMITTEE – STAFF
MEMBER VOTING RIGHTS****SLT Lead:**

Gavin Milnthorpe
Deputy Director, Legal Services
01708 432838

Report Author and contact details:

Gavin Milnthorpe
Gavin.milnthorpe@haverling.gov.uk

Policy context:

A well run Council that delivers for People and Place.

Financial summary:

There are no financial implications arising from this report.

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. X

SUMMARY

1. The Council's Pension Committee is currently comprised of: "7 Councillors, one co-opted Member and two non-voting observers."
2. In September 2023, Governance Committee considered whether to allow a Trade Union representative a vote at Pension Committee. Whilst that proposal was not agreed, Governance Committee agreed to the principle that a staff representative

should be granted a vote at Pension Committee, on the understanding that the staff representative could well be a trade union representative (but need not necessarily be).

3. This paper contains detail as to that proposal.
4. Governance Committee is therefore asked to decide whether or not to recommend the proposal to Full Council for approval.

RECOMMENDATIONS

5. Governance Committee is asked to decide either that:
 - (a) No change be made to the constitution; OR
 - (b) That the Monitoring Officer be asked to make the necessary amendments to the Constitution so as to allow voting rights for a duly elected staff representative.
6. In the event that Governance Committee adopts the recommendation at 5(b) above, the revised Constitution shall be submitted to Full Council for approval.

REPORT DETAIL

7. The Pension Committee is currently comprised of: 7 Councillors, one co-opted Member and two non-voting observers.
8. The two non-voting observers are appointed by the trade unions. These appointees have no voting rights but are present during all discussions including those concerning any exempt business. The trade union attendees undertake the same level of training as members of the Pension Committee and have a good level of attendance.
9. Many other councils do allow for one or more staff representative with voting rights. (Details of which are shown in the previous Governance Committee report on this matter).
10. A summary of proposed change to the constitution are shown in the attached Schedule 1.
11. The views of Governance Committee are therefore invited.

- 11a. In the event that the proposal is approved by Governance Committee, and thereafter Full Council, a process to identify the staff representative will be commenced as set out in Schedule 2.

IMPLICATIONS AND RISKS

Equalities implications and Risks

12. None.

Legal implications and Risks

13. There are no legal implications arising directly from recommendations in this report.
14. The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio and may take decisions on those matters that are not the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to matters concerning the Local Government Pension Scheme.

Financial implications and risks:

15. There are no financial implication arising from contents of this report.

Human Resources implications and risks:

16. The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

Environmental and climate change implications and risks

17. None.

BACKGROUND PAPERS

Governance Committee agenda and papers from 26 September 2023.

Schedule 1

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Pensions Committee

See annex 3

7 Councillors, one co-opted Member, one staff representative (with voting rights) and ~~two-one~~ non-voting ~~observers~~observer.

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3.3 Although not strictly a Members of the Committee, in accordance with the Constitution, ~~two-one~~ representatives of the ~~staff-Officers~~ are-is appointed by the unions to attend and contribute to meetings of the Committee. These appointees ~~have~~has no voting rights but ~~are-is~~ present during the discussion of any exempt business.

3.3a The Officers shall be entitled to elect a representative who shall become a full member of the Committee and shall exercise full voting rights on their behalf.

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(b) The trade unions representing staff who are members of the Council's pension fund may between them appoint ~~two-one~~ representatives who shall be entitled to attend and speak at meetings of the Pension Committee, but not to vote. The representatives shall be entitled to remain should the public be excluded on the grounds that exempt information is to be considered.

(c) The Officers shall be entitled to elect a representative who shall become a full member of the Pension Committee and shall exercise full voting rights on their behalf.

Schedule 2

Staff Representative Election Process – Havering Pension Committee

1. Eligibility and Nomination

Eligibility: Any Havering employee who is a member of the pension fund may nominate themselves.

Exclusion: No officer or elected member responsible for discharging any function of the Council (as administering authority) may serve as the staff representative.

Nomination Method: Interested staff must submit a nomination via email to the designated contact point, including a brief statement of interest.

2. Role Promotion and Awareness

To ensure wide visibility and accessibility, the role will be advertised using multiple channels:

- Initial Promotion (Minimum 4 Weeks Lead-In Time)
- Email to Staff: Details of the role, benefits, requirements, election process, and how to express interest.
- Intranet: A dedicated page with further details, including compliance statements and links to relevant resources.
- Staff Newsletter: Inclusion in the next edition.
- News Section on Intranet: Highlighted announcement.
- Off-Network Staff: Managers will share the opportunity directly with their teams.
- Follow-Up Promotion (After 2 Weeks if Interest is Low)
- Director Cascade: Directors will be asked to promote the opportunity within their teams.
- Chief Executive's Newsletter: Inclusion to reach all staff.
- All-Staff Email: A reminder and encouragement to participate.

3. Selection Process

All nominations and supporting statement of interest shall be presented to the Pension Committee. The Committee may (in its discretion) reject a proposed representative where it is satisfied that the nominee could not carry out the training referred to below or

is manifestly unsuitable for the role (such discretion to be exercised in exceptional circumstances only).

If more than one eligible nominee completes the training:

Voting Mechanism

- Online Voting: A secure digital platform will be used for staff with network access.
- Manual Voting: Paper ballots will be distributed to off-network staff via their managers, with clear instructions and a deadline for submission.

Voting Period

- Voting will be open for two weeks, with reminders sent midway through the period.

Vote Counting and Result Announcement

- Votes will be counted by (or on behalf of) the Monitoring Officer).
- The elected representative will be announced via:
 - Email
 - Intranet
 - Staff newsletter

4. Training Requirement

All nominees must complete the mandatory training required of Pension Committee members before attending Committee in an official capacity.