



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
29 January 2014 (7.30pm – 11.00pm)**

Present: The Mayor (Councillor Eric Munday) in the Chair.

Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Becky Bennett, Sandra Binion, Jeffrey Brace*, Denis Breathing, Wendy Brice-Thompson, Andrew Curtin, Keith Darvill, Michael Deon Burton*, Osman Dervish, Nic Dodin, David Durant*, Brian Eagling, Ted Eden, Roger Evans, Gillian Ford, Georgina Galpin, Peter Gardner, Linda Hawthorn, Linda Van den Hende, Lesley Kelly, Steven Kelly, Pam Light, Barbara Matthews, Paul McGeary, Robby Misir, Ray Morgon, Pat Murray, Denis O'Flynn, Barry Oddy, Fred Osborne, Ron Ower, Garry Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffrey Tucker*, Melvin Wallace, Lawrence Webb, Keith Wells, Damian White, Michael White and John Wood.

* - For part of the meeting.

Approximately ten Members' guests and two representatives of the press were also present.

Apologies were received for the absence of Councillors John Mylod and Billy Taylor.

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

The meeting closed with the singing of the national anthem.

70 MINUTES (agenda item 2)

The minutes of the meeting of the Council held on 27 November 2013 were before the Council for approval.

Subject to so some minor corrections to the voting record and the removal of the recording of apologies by former Councillor Logan, the minutes were **AGREED** by 47 votes to 3 (see division 1) and it was **RESOLVED**:

That the minutes of the meeting of the Council held on 27 November 2013 be signed as a correct record.

71 DISCLOSURE OF PECUNIARY INTERESTS (agenda item 3)

There were no disclosures of interest.

72 PROCEDURAL MOTIONS

A procedural motion was proposed by the Administration that the urgent motion concerning the Leader of the Council (item 10E) be heard as the first item following announcements. The procedural motion was **CARRIED** by 34 votes to 0 (see division 2).

A procedural motion was proposed by the Administration that item 7 (Joint Committee – Consequential Amendments to the Constitution be dealt with on a vote only basis. The procedural motion was **CARRIED** by 45 votes to 5 (see division 4).

A procedural motion that the motion on Nuclear Test Veterans (item 10D) be heard as the first item under item 10 was **CARRIED** by 47 votes to 3 (see division 7).

73 ANNOUNCEMENT BY THE LEADER OF THE COUNCIL (agenda item 4)

The Leader confirmed that he would be resigning from his position as Leader with immediate effect and moved a motion that Councillor Steven Kelly be elected to the officer of Leader for the remainder of the municipal year.

74 LEADER OF THE COUNCIL (agenda item 10E)

The urgent motion by the Administration that Councillor Steven Kelly be elected to the office of Leader of the Council for the remainder of the municipal year was **APPROVED** by 31 votes to 3 (see division 3) and it was **RESOLVED**:

That Councillor Steven Kelly be elected to the office of Leader of the Council for the remainder of the municipal year.

Council **NOTED** that Councillor Michael Armstrong would serve as Deputy Leader and that the former Leader's Cabinet post would remain as a vacancy.

75 **PETITIONS (agenda item 5)**

Pursuant to Council Procedure Rule 23, the following petitions were presented:

From the Mayor (Councillor Eric Munday) concerning safety measures at Towers School.

From Councillor Michael Armstrong concerning speeding and traffic levels at Beaulieu Road, Pettits Boulevard.

From Councillor Fred Osborne concerning the number of Heavy Good Vehicles using Stafford Avenue.

From Councillor Clarence Barrett concerning a request for a pedestrian crossing at Front Lane near Kings Gardens.

It was **NOTED** that the petitions would be passed to Committee Administration for attention in accordance with the Council's Petitions Scheme.

76 **DEVELOPMENT AND AUTHORISATION OF PATIENT GROUP DIRECTIONS (agenda item 6)**

A report of the Governance Committee requested Council to consider amending the Constitution in order to extend the authority of the Director of Public Health to have designated responsibility for signing Patient Group Directions on behalf of the Council. These Directions enabled suitably trained and accredited health professionals to supply and/or administer a named medicine to a group of patients who may not be individually identified prior to presentation for treatment.

Responsibility for the delivery of health service improvements requiring these directions had been transferred to the Council under the Health and Social Care Act 2012. It had been proposed that the Director of Public Health publish an annual report on the use of Patient Group Directions that would be shared with the Health and Wellbeing Board. It had also been confirmed that the Council did have the necessary indemnity insurance for decisions on treatments which would include decisions on Patient Group Directions.

The recommendation of the Governance Committee was **APPROVED** without division and it was **RESOLVED**:

That the following paragraph is added to Section 3.9.1 in Part 3 of the Constitution relating to the Director of Public Health's role:

(m) To authorise Patient Group Directions on behalf of the Council.

77 JOINT COMMITTEE – CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION (agenda item 7)

A report of the Governance Committee invited Council to consider approval of some amendments to the Constitution arising from the previous Council decision to form a Joint Committee with the London Borough of Newham for the delivery of back office and support services for the Council. The final allocation of the delegation of Authority would be handled by the Monitoring Officer using his delegated powers to amend the Constitution to reflect organisational changes.

An amendment to the report by the Independents Residents' Group that:

This Council sends the Governance report back to the Governance committee for further consideration.

was **LOST** by 45 votes to 5 (see division 5).

The motion of the Administration that the report of the Governance Committee, as shown at item 7 in the agenda papers, be approved.

was **CARRIED** by 45 votes to 5 (see division 6).

RESOLVED:

- 1. That the function and powers set out in Appendix 1 of these minutes be delegated from the 1 April 2014 to the Joint Committee and the relevant senior officers within the shared services organisation.**
- 2. Consequentially the Council's Constitution be amended from the 1 April 2014 as set out in Appendices 2 and 3 of these minutes.**

3. The following power be delegated to the Chief Executive

“(h) To exercise the power to enter into agreement with other local authorities for the placing of the services of officers from one local authority, at the disposal of the other in accordance with Section 113, Local Government Act 1972 as amended”.

4. Council agrees the principle that Proper Officer functions should be transferred to the relevant senior officer in the new shared back office structure and notes that the final allocation will be made by the Monitoring Officer under existing delegated powers.

78 POWERS OF THIRD TIER MANAGERS – AMENDMENTS TO THE CONSTITUTION (agenda item 8)

A report of the Governance Committee invited Council to consider approval of some changes to the Constitution to give delegated authority for third tier managers to hear and determine disciplinary and grievance cases. This would allow such matters to be dealt with more quickly and would be in the interests of the Council, the relevant Service and the affected individuals.

Human resources support and training would be made available to managers required to undertake such hearings.

The recommendation of the Governance Committee was **APPROVED** without division and it was **RESOLVED**:

That the following amendment be made to Part 3 of the Constitution, Section 3: functions delegated to staff:

Insert the following section:

3.4A Powers of Third Tier Managers

Third Tier Managers are managers who report directly to a Head of Service.

(a) To hear and determine disciplinary hearings of more junior staff including those involving accusations of gross misconduct

(b) To hear and determine grievance hearings

79 MEMBERS’ QUESTIONS (agenda item 9)

Fifteen questions were asked and replies given.

The text of the questions, and their answers, are set out in **Appendix 4** to these minutes.

80 **NUCLEAR TEST VETERANS (agenda item 10D)**

Motion on behalf of the Administration and the Residents' Group

That the Council:

1. Notes that its commitment to the Armed Forces Community Covenant ensures the needs of those residents of Havering who serve, or have served, the country are recognised and supported at a local level.
2. Further notes that many other residents have, through a range of professions, served the country in equally significant measure such as in national security and defence including those who participated in the testing of Britain's nuclear weapons in the 1950s and 1960s.
3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them.
4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the Council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in Havering.
5. Urges the Government to support the campaign of the British Nuclear Tests Veteran Association by:
 - Officially recognising the unique service of these veterans and acknowledge the nation's continuing debt to them; and
 - Supporting the intention to establish a Benevolent Fund of £25 million to provide assistance for those veterans and their descendants in need.
6. Agrees to ask our Members of Parliament to back this campaign and join the Council in urging the Government to support the requests outlined in (5) above.

Following debate, the Administration and Residents' Group motion was **CARRIED** by 50 votes to 0 (see division 8).

RESOLVED:

That the Council:

- 1. Notes that its commitment to the Armed Forces Community Covenant ensures the needs of those residents of Havering who serve, or have served, the country are recognised and supported at a local level.**
- 2. Further notes that many other residents have, through a range of professions, served the country in equally significant measure such as in national security and defence including those who participated in the testing of Britain's nuclear weapons in the 1950s and 1960s.**
- 3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them.**
- 4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the Council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in Havering.**
- 5. Urges the Government to support the campaign of the British Nuclear Tests Veteran Association by:**
 - Officially recognising the unique service of these veterans and acknowledge the nation's continuing debt to them; and**
 - Supporting the intention to establish a Benevolent Fund of £25 million to provide assistance for those veterans and their descendants in need.**
- 6. Agrees to ask our Members of Parliament to back this campaign and join the Council in urging the Government to support the requests outlined in (5) above.**

81 SPECIAL RESPONSIBILITY ALLOWANCES (agenda item 10A)**Motion on behalf of the Independent Residents' Group**

We the Councillors for London Borough of Havering will reduce the number of Councillor posts which receive a Special Responsibility Allowance (SRA) within this Council by 50%. To take effect from the 1st March 2014.

It is unfair that the Council Tax Payers for London Borough of Havering and various departments within this Council should bear the full brunt of these cuts and by reducing the number of Councillor post which receive an SRA, we the Councillors for London Borough of Havering are demonstrating that we too are prepared to deal with the hard times ahead, in order those in need are always put first.

Amendment by the Residents' Group

We the councillors for the London Borough of Havering recognise that the Residents' Association group, for each of the past seven years, has presented a budget amendment to full Council to reduce the number and level of Special Responsibility Allowances, delivering an average annual saving of some £150,000. In order to resolve this important matter satisfactorily, this Council agrees to:

- a) form a cross-party working group to review the number of SRA positions along with the associated allowances and, subject to independent scrutiny, make recommendations to full Council for adoption.
- b) agree that this work commences as soon as practical following the local elections in May 2014.
- c) agree that this proviso is included as part of the budget setting full Council meeting in February 2014 where Members' Allowances are usually considered.

Amendment by the Labour Group

Delete the words of the motion and insert the following in place thereof:-

This Council accepts the recommendations of the London Council appointed Independent Panel in respect of the number of Councillors Special Responsibility Allowances per each Council and with a view to implementing those recommendations in full agrees to review its Cabinet and Committee structures as soon as is possible.

Amendment by the Administration

This Council notes that savings in budgets for the Councillors' allowances scheme for 2014/2015 have been included in the Medium Term Financial Strategy and will be considered and decisions taken in February 2014 as part of the budget process for that year.

Following debate, the Residents' Group amendment was **NOT CARRIED** by 30 votes to 17 (see division 9); the Labour Group amendment was **NOT CARRIED** by 34 votes to 5 (see division 10) and the Administration amendment was **CARRIED** by 29 votes to 7 (see division 11) and it was then **CARRIED** as the substantive motion without division.

RESOLVED that:

This Council notes that savings in budgets for the Councillors' allowances scheme for 2014/2015 have been included in the Medium Term Financial Strategy and will be considered and decisions taken in February 2014 as part of the budget process for that year.

During the course of this item, it was **AGREED**, without division, that Councillor Tucker be removed from the meeting.

82 RETENTION OF CASH FARES ON LONDON BUSES (agenda item 10B)**Motion on behalf of the Independent Residents' Group**

TfL's 'London buses going cashless' consultation document says it will save £24 million a year in operating costs by 2020.

And the same document says 60,000 passengers pay the extra £1 fare every day - although TfL's Annual report says 85,000 passengers are paying the cash fare!

However if we settle for a figure of 70,000 this generates an income of £25.5 million a year and means the cash fare is already generating £1.5 million more income than the forecast saving in 7 years' time!

In addition over £30 million in credit remains on the Oyster cards every year! So even if the costs of handling cash fares did rise above income, a small part of the credit on the Oyster cards could pay the difference!

In other words 'London buses going cashless' will lose TfL money and result in a poorer bus service, particularly for vulnerable people and in outer-London where cash fares remain high.

Therefore the Council calls on the GLA Mayor to honour his election promise to support outer-London by retaining cash fares on London Buses.

Amendment by the Labour Group

Delete the words of the Motion and insert the following in place thereof:-

This Council acknowledges the benefits of Bus fares being paid by cashless means, calls upon the Mayor of London and TFL to continue to accept bus fares being paid by cash whilst encouraging greater use of Oyster cards and at the same time ensuring maximum security for Bus Company employees who handle cash.

In view of the time and in accordance with Council procedure rule 9.1 (b) the motion and amendment were dealt with by vote only.

The Labour Group amendment was **NOT CARRIED** by 27 votes to 20 (see division 12) and the Independent Residents' Group motion was **NOT CARRIED** by 38 votes to 2 (see division 13).

83 **SPARE ROOM SUBSIDY (agenda item 10C)**

Motion on behalf of the Labour Group

This Council recognises the adverse impact on many of its tenants caused by the introduction of the 'spare room subsidy' also known as the 'bedroom tax' and calls on the Government to repeal the legislation that introduced it.

Amendment by the Administration

This Council recognises the positive effects of the various legislations enacted to enable a fairer use of Council property, ensuring movement to maximise the use of a scarce and valued commodity.

In view of the time and in accordance with Council procedure rule 9.1 (b) the motion and amendment were dealt with by vote only.

The Administration amendment was **CARRIED** by 39 votes to 5 (see division 14) and **CARRIED** as the substantial motion without division.

84 **VOTING RECORD**

The record of voting divisions is attached as **Appendix 5**.

Mayor
26 February 2014

PART 1 – HAVERING
Delegation to Joint Committee

A	General	Delegation to Officer
A1	To have overall responsibility for the provision to the client Councils of the shared services	None
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation	None
A3	To consider and approve the annual service plan for each shared service	None
A4	To determine the strategic direction of the shared services operation	None
A5	To determine any strategic issue referred to it by the Managing Director	None
A6	To advise the client Councils what financial resources are desirable for the delivery of the shared services operation for three financial years ahead from the current financial year	None
A7	To consider and approve the internal budget for the shared services operation within the overall financial constraints set by the client Council's and to make representation to the council's on the consequences of those restraints as appropriate.	None
A8	To incur expenditure within the revenue and capital budgets as approved by the Joint Committee, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.	Managing Director
A9	To oversee the delivery of programmes agreed by Council and Cabinet.	Managing Director

A10	In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.	Managing Director
A11	To authorise the making of ex gratia payments up to the limit specified from time to time by the Director of Finance to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.	Managing Director
A12	To authorise activities under the Regulation of Investigatory Powers Act 2000.	Managing Director
A13	To approve commencement of a tendering process for all contracts above a total contract value of £156,000.	Managing Director
A14	To award contracts with a total contract value of under £5,000,000.	Managing Director
A15	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	Managing Director
A16	Payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties must be made in consultation with Head of Shared Services.	Director
A17	To approve applications for leave for trade union conferences and training courses in consultation with the Head of Shared Services.	Director
A18	To approve payment of claims by employees for loss or damage to property and clothes up to the limit specified from time to time by the Director of Finance otherwise payment must be made in consultation with the Group Director Resources.	Director
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.	Director
A20	To approve honoraria payments in consultation with the	Director

	service personnel manager.	
A21	To approve commencement of a tendering process for, and to award all contracts below a total contract value of £156,000.	Director
A22	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	Director
A23	To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any ICT variation permitted by the Council's contract and financial procedure rules.	Director
A24	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.	Director
A25	To implement approved fees, charges, rents etc. and to ensure that proper arrangements exist for their collection.	Director
A26	In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.	Director

B	Finance (including Procurement)	Delegation to Officer
B1	To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account and the determination of Council Tax and housing rent levels.	Director of Finance
B2	To write off sums which are irrecoverable and to settle claims on behalf of the Council	Director of Finance
B3	To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.	S.151 Officer
B4	To undertake all other financial matters arising within the	S,151 Officer

B	Finance (including Procurement)	Delegation to Officer
	<p>Council, subject to the following requirements:</p> <ul style="list-style-type: none"> (i) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet (ii) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice (iii) all matters being within accepted accounting practice and standards and within statutory requirements (iv) any necessary reference to the Council's external Auditors. (v) an annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year (vi) reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered. (vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions 	
B5	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Human Resources and the Director of Legal and Governance.	Director of Finance
B6	To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy	S.151. Officer
B7	To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.	Director of Finance
B8	To accept grants and the terms and conditions thereof for and on behalf of the Council.	S.151 Officer
B9	To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance and motor vehicles, and £50,000 for property insurance.	Director of Finance
B10	To review and, if necessary, amend the limits in (B9) above on an annual basis, following discussion with the Council's insurers.	Director of Finance

B	Finance (including Procurement)	Delegation to Officer
B11	To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association.	Director of Finance
B12	To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI).	Director of Finance
B13	To approve the Financial Framework and any amendments to it.	S.151 Officer
B14	In consultation with the relevant CMT Member, to authorise virements.	Director of Finance
B15	To make or enter into leasing arrangements for vehicles, plant and equipment.	Director of Finance
B16	To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.	Director of Finance
B17	To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of HR, and Director of Legal & Governance for the purpose of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Scheme.	Director of Finance

C	Legal & Governance	Delegation to Officer
C1	To prepare, approve and issue or serve all legal documentation on behalf of the Council.	Director of Legal & Governance
C2	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.	Director of Legal & Governance

C3	To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.	Director of Legal & Governance
----	--	--------------------------------

C4	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.	Director of Legal & Governance
C5	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.	Director of Legal & Governance
C6	To sign or endorse any documents on behalf of the borough where so requested by a citizen.	Director of Legal & Governance
C7	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	Director of Legal & Governance
C8	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.	Director of Legal & Governance
C9	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	Director of Legal & Governance
C10	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	Director of Legal & Governance
C11	In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.	Director of Legal & Governance
C12	To name, rename, number and renumber streets and premises	Director of Legal & Governance
C13	To maintain the register of highways that are maintainable at public expense.	Director of Legal & Governance
C14	To arrange for the administration of all statutory appeals.	Director of Legal & Governance

C15	To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.	Director of Legal & Governance
C16	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of HR.	Director of Legal & Governance
C17	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of HR and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.	Director of Legal & Governance
C18	To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.	Director of Legal & Governance
C19	To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.	Director of Legal & Governance
C20	To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.	Solicitors appointed by the Director of Legal & Governance
C21	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.	Solicitors appointed by the Director of Legal & Governance
C22	To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.	Solicitors appointed by the Director of Legal & Governance
C23	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	Solicitors appointed by the Director of Legal & Governance
C24	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.	Solicitors appointed by the Director of Legal & Governance
C25	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those	Solicitors appointed by the

	specifically delegated to another officer.	Director of Legal & Governance
C26	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the appropriate Group Director, Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	Solicitors appointed by the Director of Legal & Governance
C27	To undertake those functions assigned under: (i) Part 3, Section 5 of the Constitution of the London Borough of Havering: local choice functions (ii) Part 3, Section 6 of the Constitution of the London Borough of Havering: Proper Officer function	Director of Legal & Governance
C28	To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act.	Director of Legal & Governance
C29	To develop and implement the Council's Health & Safety Strategy	Director of Legal & Governance
C30	To develop and implement the Council's information governance policies and protocols.	Director of Legal & Governance
C31	To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.	Director of Legal & Governance and Committee Services Manager
C32	In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.	Director of Legal & Governance and Committee Services Manager
C33	In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable: (a) The Regulatory Services Committee shall meet every	Director of Legal & Governance and Committee Services Manager

	<p>three weeks (except around the Christmas/New Year period)</p> <p>(b) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings</p> <p>(c) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.</p>	
C34	To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein.	Director of Legal & Governance and Committee Services Manager
C35	To approve arrangements for members' training.	Director of Legal & Governance and Committee Services Manager
C36	To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.	Director of Legal & Governance and Committee Services Manager
C37	Undertake those functions assigned under: <p>(a) Part 3, Section 6 of Constitution of the London Borough of Havering: Proper Officer functions</p>	Director of Legal & Governance and Committee Services Manager
C38	To undertake those election functions assigned to the Proper Officer in the Constitution of the London Borough of Havering.	Director of Legal & Governance

D	ICT/BUSINESS SYSTEMS	Delegation to Officer
D1	To develop the Council's e-government and t-government strategies.	Director of ICT
D2	To develop the Council's information systems, and information technology and e-government strategies.	Director of ICT
D3	To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.	Director of ICT
D4	To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.	Director of ICT

E	STRATEGIC HUMAN RESOURCES	Delegation to Officer
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.	Director of Human Resources

E2	To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.	Director of Human Resources
E3	To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.	Director of Human Resources
E4	<p>Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including;</p> <ul style="list-style-type: none"> (i) Achieving any necessary reduction through voluntary redundancy; (ii) Considering applications from unaffected Heads of Service or above which would create a 	Director of Human Resources

	<p>suitable alternative employment opportunity for an affected Head of Service or above;</p> <p>(iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and</p> <p>(iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.</p>	
E5	In consultation with the Director of Legal and Governance, to amend HR policies where necessary in consequence of legislative, organisational or other changes that have no adverse financial effect.	Director of Human Resources

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)	Delegation to Officer
F1	To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.	Director of Asset Management
F2	Subject to the availability of finance to be responsible for any alteration or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.	Director of Asset Management
F3	To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.	Director of Asset Management
F4	To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.	Director of Asset Management
F5	To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).	Director of Asset Management

F6	<p>In relation to the taxicard scheme:</p> <ul style="list-style-type: none"> (i) To admit to the scheme persons from the waiting list of applicants. (ii) To agree a higher trip limit where justified by the degree of disability of the individual Director of Asset Management (iii) To approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so. 	Director of Asset Management
F7	To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.	Director of Asset Management
F8	To provide a security service for the Council's Administrative buildings	Director of Asset Management
F9	To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes	Director of Asset Management and Property Strategy Manager
	To undertake marketing of any Council property.	Director of Asset Management and Property Strategy Manager
F10	To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.	Director of Asset Management and Property Strategy Manager
F11	To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.	Director of Asset Management and Property Strategy Manager

F12	To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.	Director of Asset Management and Property Strategy Manager
F13	Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.	Director of Asset Management and Property Strategy Manager
F14	<p>To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.</p> <p>These functions must be exercised in accordance with the following requirements:</p> <ul style="list-style-type: none"> (i) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B (ii) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded. (iii) in cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal should shall be reported to the Group Director Resources, before the transaction is concluded. (iv) complying with relevant Council policy on property transactions (v) referring a matter for Member decision where it is proposed to recommend other than the best financial bid (vi) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Director of Legal & Governance or the Director of Finance, where there is insufficient time or opportunity to obtain a Member decision 	Director of Asset Management and Property Strategy Manager

	(vii) Making or settling rating appeals only in the Council's financial interests.	
F15	To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.	Director of Asset Management
F16	To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.	Director of Asset Management & Strategic Property Manager

G	TRANSACTIONAL SERVICES	Delegation to Officer
G1	To advise on, co-ordinate and manage all payroll functions on behalf of the Council.	Director of Transactional Services
G2	To administer the Council's pension fund.	Director of Transactional Services
G3	The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.	Director of Transactional Services
G4	To grant gifts for long service up to the limit specified from time to time by the Director of Finance.	Director of Transactional Services
G5	To approve the arrangements for members' training and development.	Director of Transactional Services
G6	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of HR and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.	Director of Internal Transactions
G7	To approve proposals for the payment of allowances in	Director of

G	TRANSACTIONAL SERVICES	Delegation to Officer
	accordance with the "Croydon Scheme" to staff injured in the course of their duties.	Transactional Services
G8	To undertake the role of appointed person for the Council in all matters relating to the Disclosure and Barring Service.	Director of Transactional Services
G9	To grant car and season loans to eligible staff.	Director of Transactional Services
G10	To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.	Director of Transactional Services
G11	To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.	Director of Transactional Services
G12	To act as statutory officer pursuant to for the collection of council tax and commercial rates	Director of Transactional Services
G13	To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.	Director of Transactional Services

APPENDIX 2 – Amendments to part 3, Sections 3.7 and 3.8 of the Constitution

APPENDIX 2

3.7 FUNCTIONS RELATING TO THE RESOURCES GROUP OF SERVICES

This section covers functions delegated to the Joint Committee with the London Borough of Newham which in turn has delegated them to the relevant officer in the joint structure.

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution

3.7.1 FINANCIAL FUNCTIONS

- (a) To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account and the determination of Council Tax and housing rent levels.
- (b) To write off sums which are irrecoverable and to settle claims on behalf of the Council.
- (c) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Head of Human Resources and the Director of Legal and Governance.
- (d) To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.
- (e) To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance and motor vehicles, and £50,000 for property insurance.
- (f) To review and, if necessary, amend the limits in (e) above on an annual basis, following discussion with the Council's insurers.
- (g) To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association
- (h) To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI)
- (i) In consultation with the relevant CMT Member, to authorise virements.
- (j) To make or enter into leasing arrangements for vehicles, plant and equipment.
- (k) To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges

- (l) To act on decisions of a pensions panel consisting of the Director of Finance, Director Human Resources (or their nominated deputies) for the purposes of:
 - 1. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
 - 2. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
 - 3. To implement the Council's early retirement, retirement and redundancy policies.

3.7.2 Transactional Functions

- (b) To advise on, co-ordinate and manage all payroll functions on behalf of the Council.
- (c) To administer the Council's pension fund.
- (d) The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.
- (e) To grant gifts for long service up to the limit specified from time to time by the Head of Finance.
- (f) To approve the arrangements for member's training and development.
- (g) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal & Governance and Director of Human Resources. (or their nominated deputies) for the purposes of:
 - 1. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
 - 2. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
 - 3. To implement the Council's early retirement, retirement and redundancy policies.
- (h) To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.
- (i) To undertake the role of appointed person for the Council in all matters relating to the Criminal Records Bureau.
- (j) To grant car and season loans to eligible staff.

- (k) To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.
- (l) To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates
- (m) To act as statutory officer pursuant to for the collection of council tax and commercial rates
- (n) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.

3.7.3 Asset Management Functions

- (a) To provide a security service for the Council's administrative buildings.
- (b) To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.
- (c) Subject to the availability of finance to be responsible for any alteration or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.
- (d) To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.
- (e) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.
- (f) To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).
- (g) In relation to the taxicard scheme:
 - (i) to admit to the scheme persons from the waiting list of applicants
 - (ii) to agree a higher trip limit where justified by the degree of disability of the individual
 - (iii) to approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so.
- (h) To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.
- (j) **Property Strategy Functions**

- (i) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.
- (ii) To undertake marketing of any Council property.
- (iii) To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.
- (iv) To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.
- (v) To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.
- (vi) Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.
- (vii) To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.
- (viii) The Property Strategy Manager must exercise the functions delegated to them subject to the following requirements:
 - (a) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B
 - (b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.
 - (c) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal should shall be reported to the Group Director Resources before the transaction is concluded.
 - (d) complying with relevant Council policy on property transactions

- (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid
- (f) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Assistant Chief Executive Legal & Democratic Services or the Group Director Resources where there is insufficient time or opportunity to obtain a Member decision
- (g) Making or settling rating appeals only in the Council's financial interests.
- (ix) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.
- (x) To exercise all powers related to Romford Market, including granting and revoking licences and enforcing relevant bylaws.

3.7.4 ICT/ Business Systems Functions

- (a) To develop the Council's e-government and t-government strategies.
- (b) To develop the Council's information systems, and information technology and e-government strategies.
- (c) To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.
- (d) To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.

3.7.5 Strategic Human Resources and Organisational Development Functions

- (a) To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
- (b) To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.
- (c) To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.

- (d) Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including;
 - (i) Achieving any necessary reduction through voluntary redundancy;
 - (ii) Considering applications from unaffected Heads of Service or above which would create a suitable alternative employment opportunity for an affected Head of Service or above;
 - (iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and
 - (iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.
- (e) In consultation with the Director of Legal & Governance to amend HR policies where necessary in consequence of legislation, organisational or other changes that have no adverse effect

3.7.6 Governance

- (a) To prepare, approve and issue or serve all legal documentation on behalf of the Council.
- (b) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
- (c) To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.
- (d) To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- (e) To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
- (f) To sign or endorse any documents on behalf of the borough where so requested by a citizen.
- (g) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
- (h) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.

- (i) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
- (j) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Assistant Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (k) In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.
- (l) To name, rename, number and renumber streets and premises
- (m) To maintain the register of highways that are maintainable at public expense
- (n) To arrange for the administration of all statutory appeals.
- (o) To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.
- (p) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of Human Resources
- (q) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal & Governance and Director of Human Resources Transactions. (or their nominated deputies) for the purposes of:
 - i. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
 - ii. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
 - iii. To implement the Council's early retirement, retirement and redundancy policies.
- (r) To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.
- (s) To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.

- (t) **Legal Managers, Principal and Assistant Solicitors (who are permanent employees of the Council and in the name of the Director of Legal & Governance):**
- (i) To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.
 - (ii) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
 - (iii) To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.
 - (iv) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
 - (v) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
 - (vi) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
 - (vii) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Assistant Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (u) To undertake those functions assigned under:
- i. Part 3, Section 4 of the Constitution: functions not to be the responsibility of an Authority's Executive
 - ii. Part 3, Section 5 of this Constitution: local choice functions
 - iii. Part 3, Section 6 of this constitution: Proper Officer function
- (v) To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act
- (w) To develop and implement the Council's Health & Safety Strategy.
- (x) To develop and implement the Council's information governance policies and protocols.

- (y) To approve arrangements for members' training.
- (z) To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.
- (aa) **Committee Administration and Member Support Manager**
 - (i) To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.
 - (ii) In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.
 - (iii) In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:
 - (d) The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period)
 - (e) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings
 - (f) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.
 - (iv) To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein
 - (v) To manage day to day the contract between the Council and the Host organisation for the Local Involvement Network for Health and Social Care (LINK), including (but not limited to) references between the LINK and the relevant Overview and Scrutiny Committee.

- (bb) Undertake those functions assigned under:
 - (b) Part 3, Section 6 of this constitution: Proper Officer functions

(cc) **Electoral Services Manager**

To undertake those functions assigned under Part 3, section 6 of this constitution (Proper Officer function)

3.8 FUNCTIONS DELEGATED TO THE DIRECTOR OF PUBLIC HEALTH

3.8.1 Director of Public Health

- (a) To take responsibility for all the Council's public health functions.
- (b) To oversee all services relating to the public health functions.
- (c) To provide information and advice on public health matters.
- (d) To provide services and facilities designed to promote healthy living.
- (e) To provide services and facilities for the prevention of illnesses.
- (f) To provide assistance (including financial assistance) to help individuals to minimise risks to health arising from their accommodation or environment.
- (g) To provide or participate in the provision of training for persons working or seeking to work in the field of health improvement.
- (h) The exercise of the local authority function in the National Health Service Act 2006 as amended.
- (i) The planning for and responding to emergencies involving a risk to public health.
- (j) The liaising with the Commissioner of the Metropolitan Police and the local probation board on assessing and managing the risks posed by sexual and violent offenders and other offenders who may cause serious harm to the public.
- (k) The medical inspection and treatment of pupils in attendance at schools maintained by the Council.
- (l) The provision of advice, examination and treatment of persons seeking advice on contraception and the supply of contraceptive substances and appliances.

3.9 S151 Officer Functions

- (a) To make such arrangements as are necessary to control and regulate the expenditure and income of the Council including the exercise of borrowing powers and treasury management powers.
- (b) To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.
- (c) To undertake all other financial matters arising within the Council, subject to the following requirements:
 - (viii) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet
 - (ix) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice
 - (x) all matters being within accepted accounting practice and standards and within statutory requirements
 - (xi) any necessary reference to the Council's external Auditors.
 - (xii) an annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year
 - (xiii) reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.
 - (xiv) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions
- (d) To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy.
- (e) To accept grants and the terms and conditions thereof for and on behalf of the Council.
- (f) To approve the Financial Framework and any amendments to it.

3.10 Monitoring Officer Functions

- (a) The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.

APPENDIX 3 - Amendments to Non-executive powers in the Constitution

4 Functions not to be the responsibility of the Council's Executive

Function	Provision of Act or Statutory Instrument	Decision-making body
A.9. Power to issue a certificate of existing or proposed lawful use or development	Sections 19(4) and 192(2) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Director of Legal & Governance (Use and Development) • Head of Regulatory Services (Development)
A.[14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990]	<ul style="list-style-type: none"> • Head of Development and Building Control in consultation with Director of Legal & Governance
A16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Regulatory Services Committee • Head of Regulatory Services, in consultation with Director of Legal & Governance
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	<p>Head of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers</p> <p>Director of Legal & Governance as appropriate</p>
B. 37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	Director of Governance with reference as above
B.38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations	Director of Legal & Governance with reference

Function	Provision of Act or Statutory Instrument	Decision-making body
	1966 (SI 1966/1471) ¹	as above
B.72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	Director of Legal & Governance

C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK

Part II: other miscellaneous functions

Function	Provision of Act or Statutory Instrument	Decision-making body
I.37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> • Full Council (appointment etc. of Head of Paid Service) • Appointments Committee (appointment etc. of Group Directors and Heads of Service) • Head of Paid Service, or the relevant Group Director or Director Head of Service or on his or her behalf (appointment etc. of all staff under Head of Service)
I.51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	Director of Legal & Governance
I.52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	Director of Legal & Governance
I.53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	Director of Legal & Governance

¹ Amended by S.I. 1968/657

COUNCIL, 29th January 2014

MEMBERS' QUESTIONS

Q1 Bus Stop in Butts Green Road

To the Cabinet Member for Community Empowerment,

Cllr Robert Benham

By Councillor Eagling

Question:

In respect of the kerb build-out at the bus stop in Butts Green Road (outside Tesco), would the Cabinet Member explain:

- a) Why he went against the recent recommendations of the Highways Advisory Committee to refuse the application, and having authorised the build-out has now, after a matter of weeks, submitted a request to the Highways Advisory Committee to remove it?
- b) What the cost was of installing the build-out?
- c) What the cost is likely to be for removing the build-out?

Answer:

- a) **Why he went against the recent recommendations of the Highways Advisory Committee to refuse the application, and having authorised the build-out has now, after a matter of weeks, submitted a request to the Highways Advisory Committee to remove it?**

Firstly the question is slightly inaccurate as the highways advisory committee did not refuse the application as the question states. They supported the loading bay, parking restrictions and signage & linage but did not support the extended kerb recommendation within the report

Since the Highway Advisory Committees inception I have not felt the need to overturn nor amend any decision of the last three years.

However; I had a number of issues and concerns with the said application and the decision to omit the extended bus stop kerb build out.

Firstly the kerb build out was one of the recommendations made by our highway engineers within the report. It was their professional opinion that a loading bay so near to the bus stop could give rise to accessibility issues and the visual impact of the bus stop. As the bus stop and pedestrians waiting could be obscured by Tesco delivery lorries.

Secondly over the last 12-18 months I have received and indeed witnessed a huge number of highway, health & safety, parking and access issues associated with mini supermarkets in the Borough and could easily foresee similar problems arising at this location. As I have responsibility for highways and road safety I get to hear of these issues.

Issues to name a few include;

- Vehicles double and even treble parked outside Tesco express in Mawney road & Brentwood road.
- Supermarket lorries blocking bus stops, resident's crossovers or parking dangerously. Causing pedestrian and highway hazards.
- Lorrie's u-turning in small or main roads causing chaos.
- Delivery lorries affecting neighbouring businesses and their deliveries.
- Wheelchair users being unable to pass parked vehicles and or delivery vehicles.
- Buses being unable to stop at bus stops or pass due to delivery vehicles.

I attended a site visit at the location; spoke to local residents and monitored the bus stop usage, accessibility & visibility. I also spoke to our highway engineers seeking their professional opinion and comments. This site visit and the professional advice compounded my concerns that a loading bay could give rise to accessibility issues for bus users.

Timescale was also a factor for my decision. As Tesco had obtained planning permission via an appeal and under the current rules of HAC a decision cannot be resubmitted for 6 months. So I had to take an executive decision to amend the HAC decision so it would co-inside with the opening of Tesco.

We as local councillors should actively be supportive of making bus stops and public transport as accessible as possible, particularly for our elderly and disabled residents.

Sadly dispute being in a so called first world country, there are still far too many barriers & obstacles for people with disability/mobility difficulties to get about with dignity.

The decision I took was transparent and was published for all to see in Calendar brief. It was time sensitive due to the opening of Tesco and current HAC re submission procedure.

It was the professional opinion of our highway engineers that a built out kerb at the bus stop would improve accessibility for bus users. So I took the decision based on professional advice and existing highway problems with other mini supermarkets in the Borough.

Sadly however, after the kerbs installation..... it became clear, that the build out was causing more issues them remedying. So we quickly reviewed the situation

I also spoke to all three ward Councillors, who informed me of their issues and concerns with the scheme. And I took the decision to begin the process of removing the extended kerb.

b) What the cost was of installing the build-out?

The full cost of implementing the scheme is not available as the final contractors invoices are yet to be agreed. The estimated costs of the scheme are in the region of £12k, which would include:

- Staff costs for design, consultation, works supervision, preparation of reports etc.
- Advertising costs for the legal notices for the Traffic Management Orders for the scheme
- Contractor's costs for the physical works

However, much of the above costs would have occurred regardless of the build out taking place, as the design work, report writing, loading bay, and consultation would have happened anyway.

c) What the cost is likely to be for removing the build-out?

The estimated cost of removing the build-out is around £4k, which was reported to the Highways Advisory Committee on 12th November.

This includes:

- Staff costs for the consultation process required before a decision can be made for removal, works supervision, preparation of reports etc.
- Advertising costs for the legal notices.
- Contractor's costs for the physical works

In response to a supplementary question, the Cabinet Member added that bus operators had indicated they would refuse to stop once the extended kerb had been removed and that he was meeting with bus contractors in order to resolve this.

Q2 Homeless People in Havering

To the Cabinet Member for Housing, Cllr Lesley Kelly

By Councillor McGeary

Question:

In view of recent comments by the Lead Member for Housing regarding Hope for Havering and the Homeless Briefing Note how many other people in the Borough are not technically homeless in her view and are not counted within Havering's Homeless figures?

Answer:

We have a legal duty to investigate the circumstances of anyone who comes to us believing themselves to be homeless, and we house them temporarily while we do this.

While in temporary accommodation these people are counted in the official homeless statistics though clearly they are not living on the street. The most recent figures from December 2013 show 588 households included in this official count, 65 in hostels and 523 in long-term privately leased accommodation.

I'm sure you'll agree that as these households are settled in suitable accommodation, they are homeless only under the official definition, rather than having nowhere to live. It's this distinction that explains the frequent differences in the interpretation of homelessness figures in the borough. We of course do not want any of our residents to be homeless and will try to help any resident who comes to us with issues around housing, even if they are not counted as homeless under the legislation.

My comments on Hope 4 Havering related to rough sleepers as this is the issue we have been discussing with them. We don't want anyone sleeping rough on the streets of Havering and work with London Street Rescue when a rough sleeper is identified, to arrange temporary accommodation. We know we do not have a major issue with rough sleepers in the borough, figures from the Combined Housing and Information Network's (CHAIN) most recent bi-monthly reports, to October 2013, reported two, three and two rough sleepers.

In response to a supplementary question, the Cabinet Member confirmed that she had a great deal of dealings with the Hope for Havering project. Most

residents at the project would not fall under the Council's criteria for homelessness, either having somewhere else to go or not being connected with Havering.

Q3 Member Allowance Entitlement

To the Cabinet Member for Community Safety and Lead Member for Democratic Services, Cllr G Starns

By Councillor J Tucker

Question:

Cllr Mark Logan has been an elected Member of the London Borough of Havering for nearly six years. During his period in office how much of his allowance entitlement in money terms has he refused to claim.

Answer:

Mr Mayor, as you and all Councillors are aware; member's allowances are a matter of public record and freely available to all. I would therefore direct Councillor Tucker to the council's website where all the information he requires is clearly provided.

www.havering.gov.uk/Pages/Services/Councillors-allowances.aspx

Q4 Planning permission new developments

To the Cabinet Member for Housing, Cllr Lesley Kelly

By Councillor L Webb

Question:

When granting planning permission there is often a condition that new developments have a percentage of dwellings designated as affordable, with priority given to Havering residents. Can you confirm how many of these properties are still designated as affordable and given to havering residents when the original occupant leaves?

Answer:

Between 1 April 2011 and 31 December 2013 inclusive, 866 new affordable homes were built in the borough for which the Council could nominate families and individuals.

Properties remain in the affordable sector unless a tenant purchases their home, under the Right to Acquire, or bought the remaining share of a shared ownership home. Sales by housing associations are not monitored by the borough.

The Council received 100% nomination rights to these 866 properties. The level of nomination rights at the re-let stage will vary between schemes, with the minimum being 75%.

But we think at least 84% of relets to properties developed over the last three years will be available to the Council.

The remaining 16% of relets will be used by the housing association that owns the property to assist with transfers within their stock, with tenants typically transferring from one property in Havering to another.

In response to a supplementary question, the Cabinet Member confirmed that, since April 2013, the criteria used to determine a Havering resident had been a two-year residency in the borough.

Q5 Incidents of Flooding

To the Cabinet Member for Community Safety and Lead Member for Democratic Services, Cllr G Starns

By Councillor J Mylod

Question:

Would the Cabinet Member advise members:

- a) What emergency plans and contingencies are in place to deal with incidents such as flooding?
- b) Are emergency calls from the public routed?
- c) What is the target response time for emergency calls from the public?

Answer:

- a) The Emergency Planning and Business Continuity Service have a range of plans depending upon the incident. The overriding plan is the Major Emergency Plan which highlights the responsibilities that the Council has as a Category One responder as described within the Civil Contingencies Act 2004.
- b) During Office hours the public would call the normal Council contact number of 01708 434343 where the exchange would transfer it to the Emergency Planning Team who would respond to the emergency.

Out of Hours the call would go to the advertised emergency number of 01708 433999. This would be answered by the Havering out of hours service presently managed by GDIT and

they would contact the Local Authority Liaison Officer (LALO) who would attend the emergency where required.

- c) The Emergency Planning service operate within the London wide minimum standards. This minimum standard for attendance is 1 hour from receipt of the call.

Q6 Children & Families Consultation Service premises move

To the Cabinet Member for Children & Learning, Cllr Rochford

By Councillor P Murray

Question:

What representations have been made by the Council to the North East London Mental Health Trust relating to the proposed move of the C&FCS from Raphael House to a former car show room in the Romford Road?

Answer:

The North East London Foundation Trust, identified a need for a child development centre in the borough as there wasn't one in Havering, although some of its services had previously been provided from Raphael House.

Colleagues in the trust spent some time looking for an appropriate location for this, with the closure of St George's Hospital in Hornchurch meaning it couldn't be co-located alongside other health services. They subsequently purchased the site in London Road, Romford.

We have been made aware of concerns around the lack of parking at this site, and we have passed on these concerns to the trust.

As well as being happy to meet with any voluntary organisations, or fellow councillors to address their concerns, the Trust also plans to consult fully with the Council, voluntary sector groups and service users to shape how the service will be run in the community.

It is hoped the centre will be open by the end of the year.

If Councillor Murray would like any further information then I have some contact details for the Trust that I can pass on at the end of this meeting.

Q7 Council Savings**To the Leader of the Council, Cllr Steven Kelly**

By Councillor D Durant

Question:

At the last Council meeting Cllr Michael White said the merger with Newham, involving a further loss of experienced staff will save £4 million and that this avoids a 4% increase in council tax. But the official council report gives a figure of £3.9 million savings over 5 years and that 25% of these alleged savings are redundancy payments.

But redundancy payments are a cost not a saving so the £3.9 million figure is reduced by 25% to £2.925 million, but even this is an exaggeration, because relocation and other costs are not included! Thus the increase in council tax needed to avoid the merger is reduced from 4% to 3%.

But because the saving is over 5 years, this means only a 0.6% increase is needed in year one, carried over the 5 year period to make the 3%. In other words the Administration has put the future independence of Havering at risk to avoid a 0.6% increase in council tax that would threaten conservative re-election hopes in May.

Cllr Michael White, do you think your misrepresentation of the figures helped secure the almost unanimous vote in favour of the merger, or did other tactics play a part.

Answer:

This merger puts aside politics to do what is right for our residents. By working with others we can reduce our back office costs and protect our front line services which our residents' value. This year our grant from government reduced by around £6million and we will have future shortfalls to face. By taking these sorts of decisions early we can help prevent some of the knee jerk reactions that other councils have to implement.

The business case is quite clear and here are the figures once again. We expect this merger to bring in much needed savings these, excluding redundancy costs over 5 years are £15.07 million. We have factored in costs for some redundancies which bring down the savings over the 5 years to £13.62 million, showing we do understand redundancy costs. There are no relocation costs as modern working methods mean that these are really minimal. So over the five years this prevents an additional 3.9 per cent or around 4 per cent rise in council tax.

Therefore the unanimous vote was one for sense and what is right for Havering.

Year	Gross Savings Cumulative	Additional in Year savings	Additional Equivalent Council Tax Rise	Cumulative Savings Net of Possible Redundancies	Additional in Year savings	Additional Equivalent Council Tax Rise
2014/15	£1.46m	£1.46m	1.46%	£0.76m	£0.76m	0.76%
2015/16	£2.83m	£1.37m	1.37%	£2.33m	£1.57m	1.57%
2016/17	£3.31m	£0.48m	0.48%	£3.21m	£0.88m	0.88%
2017/18	£3.57m	£0.26m	0.26%	£3.49m	£0.28m	0.28%
2018/19	£3.90m	£0.33M	0.33%	£3.83m	£0.34m	0.34%
5 Year Total	£15.07m		3.90%			3.83%
2019/20 onwards	£3.9m			£3.9m		

The figures are front loaded. I am happy to send members a copy to read at the leisure as it is very complicated. These are back office savings to protect the rate payer and protect the services.

Q8 Rent Payments

To the Cabinet Member for Housing, Cllr Lesley Kelly

By Councillor L Webb

Question:

How many Havering tenants had their rent taken from their accounts early in the Christmas period, and for those that were left short of funds and unable to afford their basic needs, what compensation did they receive?

Answer:

We understand that this error, which affected 3,374 tenants, would have inconvenienced many of our residents and we apologise unreservedly. Technology is a wonderful thing but there is no accounting for human error. We contacted all tenants to explain how they could apply for a refund - should they receive a bank charge because of this issue - or emergency funds.

Fortunately, no one needed an emergency payment and the five tenants who have contacted us to say that they have been charged by their bank have been refunded.

In response to a supplementary question, the Cabinet Member confirmed that a full review of the problem had taken place and that officers were looking at ways of preventing this happening again.

Q9 Removal of barriers – Como Street & Bretons

To the Cabinet Member for Environment, Cllr Barry Tebbutt

By Councillor B Matthews

Question:

Would the Cabinet Member explain why the barriers have been removed from the Como Street car park and from Bretons Recreation Centre, thus increasing the risk of illegal encampment, and give an assurance that suitable barriers will now be installed at these locations?

Answer:

Como Street car park is open for public use 24/7, which includes access for coaches. The barriers and the fire gate were removed when the car park was converted to Pay and Display to give anyone who wishes to use the car park the ability to do so without delay or hindrance.

The incident of traveller occupation was a rare one that Council officers worked to resolve as quickly as possible.

They also remain vigilant to the threat of traveller occupation and regularly patrol the area to deter travellers and other illegal activity. There are also CCTV cameras mounted within the car parks control office at Angel Way Car Park that monitor the Como Street Car Park.

As for Bretons Recreation Centre, the current vehicle barriers have never been removed. They're near the entrance of the centre and the manor house. The barrier at the entrance closes at night, when the community association leave the site.

Residents and several organisations use the site during the day, which means we can't have a permanently locked barrier. However, the internal barrier is not open to general public and is closed when not in use.

Over the last 10 years, there have been only two instances of travellers setting up there. It's due to the latest incident only a few weeks ago, when the travellers came onto the site during the day when it was open for all, that we've taken immediate action. Officers are currently looking at installing height barriers at both the main and overflow car parks. This will allow domestic vehicles access but nothing bigger.

New height barriers will be more affective and control entrance to the car parks during the day.

In response to a supplementary question, the Cabinet Member explained that there were a total of 128 parks in Havering with various access issues. A variety of control measures were used at different locations including barriers, height restrictions, width restrictions or locking parks at night.

Q10 Housing allocation

To the Cabinet Member for Housing, Cllr Lesley Kelly

By Councillor D O'Flynn

Question:

Locating families with children in high rise flats.

When was the policy relating to the location of young children above the fourth floor in high flats changed?

Answer:

There is no longer a policy which restricts the height of floor on which children may live. This changed when we introduced Choice Based Lettings, which allows people to bid for the property that they want. They can choose if they wish to, to live with their families above the fourth floor.

We have decided that it is best to let people choose where they want to live. If we restricted families to properties only below the fourth floor, we would be in danger of having lots of empty properties, and lots of people on the Housing Register who needed a home but could not bid for properties which were available.

Q11 Licensed Activities

To the Leader of the Council, Cllr Steven Kelly

By Councillor Cllr Van den Hende

Question:

Would the Cabinet Member set out what arrangements are in place to ensure that licensed activities abide by any conditions set down by a planning agreement (where applicable) and that appropriate enforcement action is taken as and when necessary?

Answer:

Yes, enforcement action is always taken when it is appropriate to do so.

Our procedures are very clear. When the Council becomes aware of premises operating outside the hours specified in a planning condition, the matter is fully investigated.

We try to solve the problem without taking enforcement action as a first step so the operator is told to adhere to the condition or apply to change it

If a planning application is received, the hours permitted by licence would be one consideration when determining the application, but the existence of a licence would not mean that there would be automatic changes to the planning conditions.

The planning application would be determined on its own merits taking account of any impact on nearby homes, and other facilities.

If no planning application is received and the premises continue to operate in breach of conditions, enforcement action is taken as appropriate.

In response to a supplementary question, the Leader of the Council reported that there had only been three enforcements under this regulation and that he would discuss this further with the relevant Cabinet Member.

Q12 Pavement repairs

To the Cabinet Member for Environment, Cllr Barry Tebbutt

By Councillor Morgon

Question:

Would the Cabinet Member please confirm :

- a) What target is set for a repair to a pavement defect after an order has been raised?
- b) How and by whom are orders monitored to ensure completion within the agreed target date?
- c) Where can Members see information on how well the Council is meeting its target as part of its robust performance regime as mentioned in last year's Peer Review?
- d) Provide a list of all pavement defects that were ordered over 2 months ago and have still not been completed?

Answer:

- a) Any reported defect should be fixed in 24hrs, seven days or 28 days depending on the location and severity of the defect.
- b) All work orders are raised by StreetCare on an internal computer system and we run monthly reports that highlight outstanding works.

- c) The Head of StreetCare maintains a local performance pack tracking the number of works orders raised against those completed, these are always ready and available upon member request.
- d) I have a list here and I'm happy to share it with you. For all those reported since 1 April 2013, there are 770 that have been outstanding for longer than two months. It's equally important to note that during the same time period, 3077 were repaired. So between April and December, more than 16 pavement defects have been repaired each day – so although there are still many outstanding, it's certainly not for lack of hard work.

In response to a supplementary question, the Cabinet Member confirmed that defects over two months old did not indicate a failure of service and that further resources were not needed.

Q13 Income & Expenditure for Parking

To the Cabinet Member for Environment, Cllr Barry Tebbutt

By Councillor Barrett

Question:

Would the Cabinet Member please set out:

- a) The income and expenditure figures for the parking account for 2010/11, 2011/12 and 2012/13 and what have the surpluses been spent on?
- b) The top ten locations in the borough where penalty charge notices have been issued during the calendar year 2013?

Answer:

- a) I have all the figures here, which I'm happy to share with you or anyone else who would like to see them.

In summary, I can tell you:

	2010/11 (£000s)	2011/12 (£000s)	2012/13 (£000s)
Income	2,788	3,634	3,607
Expenditure	2,517	2,925	3,273
Surplus	271	709	334

All income from parking charges and PCNs is reinvested back into making improvements in the borough. This includes highways maintenance.

b)

The top ten locations are:

1. Market Place Car Park, Romford (1,694)
2. Oldchurch Rise Car Park, Romford (1,231)
3. Corbets Tey Road, Upminster (1,207)
4. Station Road, Harold Wood (1,105)
5. Angel Way, Romford (857)
6. Market Link, Romford (795)
7. Victoria Road, Romford (616)
8. Brentwood Road, Romford (438)
9. Western Road, Slaney Road Car Park, Romford (431)
10. The Mews, Romford (428)

In response to a supplementary question, the Cabinet Member confirmed that targets were not given to parking enforcement officers who simply dealt with offences as they encountered them.

Q14 Spare room Subsidy

To the Cabinet Member for Housing, Cllr Lesley Kelly

By Councillor Alexander

Question:

Would the Cabinet Member set out the number of tenants who are now subject to the Spare Room Subsidy (Bedroom Tax) are in rent arrears and by how much?

Answer:

At the moment there are 544 tenants who have extra rooms and so make a contribution towards their rent for these spare rooms. Of these there are 164 tenants who are finding it difficult to cover their rent and so are in arrears but we can't categorically say that this is due to the removal of the spare room subsidy. Of these cases debt amounts range from £48.60 to £500. We are totally committed to supporting these tenants through our frontline staff - who got extra training to help deal with this change - and our recently boosted debt advisor team and also at the latest residents conference we had a workshop on welfare reform.

In response to a supplementary question, the Cabinet Member reported that use of the 1994 Act was being considered but it was not clear how many Havering tenants would be affected.

Q15 Non-payment of Council Tax – summons issued

To the Cabinet Member for Value, Cllr Roger Ramsey

By Councillor Ford

Question:

Would the Cabinet Member set out the number of summons issues for non-payment of council tax between April and December 2013 compared with the same period last year (i.e. to April to December 2012) and what is the total council tax arrears to December 2013?

Answer:

Summonses issued April – December 2013 – 8,926

Summonses issued April – December 2012 – 9,978

Council tax arrears December 2013 - £14,875,802.

Our council tax collection rate for the last year has been 97 per cent and we are among the top third of all London boroughs for the high-level collected. We work hard to recoup money owed to us in council tax, including specific campaigns targeting debt and tackling fraud such as people fraudulently claiming single person discount.

In response to a supplementary question, the Cabinet Member confirmed that the figures given were net of write-offs. The figure for arrears was cumulative and write-off figures did not reflect the total amount owing as debts may well still be paid at some stage.

