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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
11 March 2015 (7.30 - 8.40 pm)**

Present:

COUNCILLORS

Conservative Group	Michael White (Chairman), *Roger Ramsey, Melvin Wallace, Damian White and +Robert Benham
Residents' Group	Ray Morgon, Stephanie Nunn and Barry Mugglestone
East Havering Residents' Group	Darren Wise and +Linda Van den Hende
UKIP Group	Lawrence Webb and Ian de Wulverton
Independent Residents Group	+David Durant

Apologies for absence were received from councillors Osman Dervish, Clarence Barrett and Jeffrey Tucker who were substituted by councillors +Robert Benham, +Linda van den Hende and +David Durant respectively.

*In the absence of the Chairman and the Vice Chairman, the Committee agreed that Councillor Roger Ramsey should take the Chair. Councillor Michael White subsequently arrived and Councillor Ramsey relinquished the Chair in his favour after the item concerning the revision to the appointment of Aldermen and Freeman.

There were no disclosures of pecuniary interest

Decisions were taken without division unless otherwise stated.

24 MINUTES

The minutes of the meeting held on 14 January 2015 were agreed as a true record and signed by the Chairman.

25 REVISION TO THE CALL-IN PROCEDURE FOR APPLICATIONS BROUGHT BEFORE THE REGULATORY SERVICES COMMITTEE

The Committee was informed that following a request from members of the Regulatory Services Committee, it had been proposed that a revision be made to the call-in procedure for planning applications brought before the Regulatory Services Committee. The proposal before the Committee was for the call-in of a planning application to be restricted specifically to the Councillors for the ward in which the planning application site is located.

Members noted that the intention of the amendment was to seek to limit call-ins which might have no real planning merit, but which would add to the burden on the Regulatory Services Committee which would have to deal with them. Several Members expressed their unease with the restriction to that of the Ward councillors arguing that if the application in question was close to a Ward boundary, it could have more serious implications for that Ward than the ward the application was in.

The view was also expressed that councillors were not simply elected to a specific Ward, but had responsibilities across the whole borough and it was unreasonable to prohibit any councillor from exercising their discretion in the public interest simply because they were not directly connected with the Ward in question.

Having discussed the issues, the Chairman asked the Committee whether the report should be deferred to a later meeting in order that the views of Members could be more thoroughly ascertained.

The Committee **agreed** to defer the matter to a later meeting to allow further deliberation to take place.

26 **FLOOD & WATER MANAGEMENT ACT 2010**

The Committee was reminded that in 2010 the Flood & Water Management Act 2010 introduced provisions for the management of risks in connection with flooding and coastal erosion.

The Government, in liaison with the Environment Agency and DEFRA (Department for Food and Rural Affairs) had since been scoping arrangements for requiring Sustainable Urban Drainage Systems (SUDS) to be provided within certain categories of new development as part of a suite of measures to combat flood risk. The Government recently announced that SUDS matters would now be incorporated within the planning application process from April 2015. Further national guidance on the exact process was awaited.

The report sought to delegate the provisions of the Flood & Water Management Act into the executive functions of the Head of StreetCare and Head of Regulatory Services.

The Committee **recommended** that the provisions of the Flood & Water Management Act into the executive functions of the Head of StreetCare and Head of Regulatory Services.

27 **REVISION TO THE PROCEDURE FOR THE NOMINATION AND APPOINTMENT OF HONORARY FREEMAN AND HONORARY ALDERMAN**

Members considered revisions to the procedure for the nomination and appointment of Honorary Freemen and Honorary Aldermen and the adoption of a protocol for such matters.

It was informed that under the provisions of Section 249 of the Local Government Act 1972, the Council may, by resolution passed by not less than two-thirds of the councillors voting thereon at a meeting specially convened for the purpose:

- (i) Admit to be Honorary Freemen of the Borough persons of distinction and persons who had, in the opinion of the Council, rendered eminent service to the Borough; and
- (ii) Confer the title of Honorary Alderman upon persons who had, in the opinion of the Council, rendered eminent service to the Council as past councillors.

Current practice in Havering was for nominations for the appointment of honorary freeman and honorary alderman to be submitted for consideration at the annual meeting of Council. To support the nominations, details of the eminent service or the reasons for distinction for which the award was to be conferred, were required.

In recent years there had been an increase in the number of nominations with an annual expectation that nominations would be made. To ensure that the honour was regarded as the highest accolade a Council could award, the Administration proposed that a protocol which would amend existing procedures and which would also remove the likelihood of a nomination not achieving the requisite two-thirds majority at Council should be put in place.

It was proposed that in the first instance Group Leaders would attempt to reach agreement on the nomination to ensure that it would meet the requisite two-thirds majority. Once Group Leaders had discussed the matter, it would be referred to the Governance Committee which would in turn recommend to Council for its consideration the names of those individuals nominated for the award of honorary freeman or honorary alderman.

The Committee accordingly **recommended to Council that**.

1. The protocol for the nomination and appointment of honorary freemen and honorary aldermen for the London Borough of Havering attached as Appendix A to the report be approved.
2. That a common form for both Aldermen and Freemen be devised so that all applications could receive equal consideration.
3. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution.

28 **RESIGNATION OF THE MEMBER CHAMPION FOR THE OVER FIFTIES**

The Committee was informed about the recent resignation of the Over Fifties Champion, Councillor Patricia Rumble. The report explained that a successor would need to be appointed at the next ordinary meeting of Full Council due to take place on 25 March.

The Committee **noted** the resignation of Councillor Patricia Rumble as the Member Champion for the Over Fifties and that her successor would be appointed at the next meeting of Council.

29 **MEMBERS CODE OF CONDUCT COMPLAINTS PROCEDURE**

The Committee was informed about proposed changes to the procedure for considering allegations against breaches of the Members' Code of Conduct which the Adjudication & Review Committee had considered and approved at its meeting on 4 February 2015. This had now been referred to the Governance Committee for consideration about whether to include the arrangements in the Council's Constitution.

Members expressed a number of differing views on whether the procedure before them was strictly necessary and were informed that whilst a protocol was required, what that contained – and its extent – was at the discretion of each local authority. Members were further informed that the procedure before them was comparable with those in many other authorities and was designed to ensure that the process was fair, effective and timely.

A member raised the question about the absence of an appeal mechanism within the process and was advised that this would not be appropriate as any decision which a Member considered to be unreasonable could be challenged by referring the matter to either the Local Government Ombudsman or to a Judicial Review.

After discussion, the adoption of the process as it stood was put to the vote at the request of a Member.

In favour of the motion: Councillors: Michael White, Roger Ramsey, Melvin Wallace, Damian White, Robert Benham, Ray Morgon, Stephanie Nunn, Barry Mugglestone, Linda van den Hende, Darren Wise, Lawrence Webb and Ian de Wulverton

Against the motion: Councillor: David Durant

The motion was **CARRIED** by 12 votes to one.

The Committee **noted** the report and its appendices and **resolved** that it be adopted for use by the Council and that the arrangements for dealing with alleged breaches of the draft Members' Code of Conduct (Appendix 1 to the report) be included in the Council's Constitution.

30 **APPOINTMENTS TO OUTSIDE BODIES AND OTHER ORGANISATIONS**

The Committee was invited to consider the following three outside body appointments and make or confirm appointments as appropriate.

In respect of the **Hornchurch Housing Trust**, the Committee was asked to either to appoint Mr David Williams and Ms Pamela Freer as Trustees to the Trust for the term of office expiring in February 2019 or appoint Ms Pamela Freer and Councillor John Wood as Trustees to the Trust for the same term of office.

In respect of the **Havering Twinning Association**, the Committee was informed that unfortunately, due to a number of circumstances, the decision had been taken to wind up the Trust and there would be no more formal meetings and that in accordance with Charity Commission practice, the Trust would remain a formally constituted body until such time as the accounts had been closed, but Member appointments would no longer be required.

The **East London Waste Authority (ELWA)** constitution, the four member Boroughs were required to appoint two Councillor representatives each to the Management Board annually, a number of 8 in total. In addition, each Borough appointed a Director level officer to the Management Board.

The former Group Director Culture, Community and Economic Development - Cynthia Griffin – had been the Authorised Officer for the London Borough of Havering, but following her recent departure, this position had fallen vacant and now required formal appointment.

It was therefore proposed that Andrew Blake-Herbert Director of Communities and Resources should be appointed as ELWA Director of Environment to the Management Board with immediate effect.

The Committee **resolved** to:

1. **Appoint** Ms Pamela Freer and Councillor John Wood as Trustees to the Hornchurch Housing Trust for the term of office expiring in February 2019.

2. **Note** the position In respect of the Havering Twinning Association,
3. **Confirm** the appointment in respect of the ELWA Waste Authority of Andrew Blake-Herbert as ELWA Director of Environment.

31 **LOCAL PENSIONS BOARD**

The Committee was reminded that steps were necessary to progress the establishment of a Local Pension Board as required by Regulation 106 of the Local Government Pension Scheme Regulations 2013 (the 2013 Regulations) which came into force on 20 February 2015 requiring the Council to establish a pension board no later than 1st April 2015

The Committee was informed that at its meeting on the 23 September 2014, the Pension Committee had agreed to the establishment of a working group of officers from London Borough of Havering and London Borough of Newham to assist in devising appropriate plans for implementation of the requirement to establish a Local Pension Board.

There had been no alternative other than to establish the Local Pension Board and this requirement was being brought in at the same time as a new national Scheme Advisory Board and followed-on from changes in the Scheme whereby accrual of pension built up on a career average basis rather than being linked to final salary, also implemented through the 2013 Regulations. The changes followed wide discussion and consultation.

Currently the Constitution delegated the Council's functions as Scheme Manager, primarily to the Pensions Committee under Part 3 paragraph 1.2. Under the service specific officer delegations at Part 3 section 3.7.2 (b) the Council's section 151 officer was delegated to administer the Council's Pension Fund.

The Guidance on implementation of the new Local Pension Board recommended that the Council considered whether the current arrangement was fit for purpose. The working group had reviewed this and considered that it was. The Local Pension Board would have the role of assisting the Council to ensure compliance with the various duties under the Scheme exercised by the Members and officers as described above.

The Local Pension Board would be a free-standing committee and would not be set up under section 101 Local Government Act 1972 and therefore the Member's Code of Conduct would not apply to it.

Remuneration of members of the Local Pension Board. It was proposed that the members of the Local Pension Board would receive an allowance of £117 for each meeting attended (matching the allowance for co-opted members)

The final version of the 2013 Regulations was unfortunately only published on 29 January 2015 and there were a number of changes from the draft version and therefore there might be a need to further revise the three documents attached to reflect the current legislation. The attached versions are therefore being submitted as the current working versions.

Funding of the Local Pension Board. The costs of administration would be funded entirely from the Pension Fund as required by Regulations. The Section 151 Officer would be responsible for setting the budget and approving expenditure of the Board.

Recruitment and advertising for members was to be undertaken shortly and would involve communications to all Scheme employers and scheme members. A Panel would meet as soon as reasonably possible to shortlist and interview prospective candidates following the Council meeting approving the establishment of the Local Pension Board. Whilst the legislation required the Board to be established by 1 April 2015 its first meeting did not need to take place for up to four months thereafter. A date for the first meeting would therefore need to be set up following appointments to the Board.

The Committee **recommended** to Council that it agreed:

1. Additions to the Constitution as detailed below:

Changes to the Constitution: To establish this board in The Council's Constitution are as follows

At Part 2 Appendix (Council Bodies) add a new paragraph

“Havering Local Pension Board

Membership: to be determined in accordance with the Local Government Pension Scheme Regulations 2013, not being a body constituted under section 101 of the Local Government Act 1972.”

At Part 3 Section 1.4 Statutory and non-statutory bodies

Add: Name – “Havering Local Pension Board”

Functions: “Assisting the scheme manager (i.e. the Council) in relation to the following matters.

- (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;**
- (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;**
- (c) such other matters as the scheme regulations may specify.”**

At Part 3, Section 3.7.7 Functions of the Director of Legal and Governance

Add paragraph (s) and make consequential amendments to the lettering of the succeeding paragraphs:

“To take any necessary action to address any conflicts of interest arising in the Havering Local Pension Board.”

2. The adoption of the:
 - Terms of Reference for the Local Pension Board
 - Code of Conduct for members of the Local Pension Board
 - Conflict of Interest Policy for members of the Local Pension Boardwhich were appended to the report
3. The delegation of the power to make any further amendments to the Constitution (including oneSource delegations) as may be necessary and to revise the Terms of Reference, Code of Conduct and Conflicts of Interest policy to the Monitoring Officer, after consultation with the Council’s Section 151 Officer and the Cabinet Member for Value.

And that a further report on the appointment process itself be provided to the Cabinet Member for Value providing greater detail and reasons why an officer appointment panel should select councillors.

Chairman