



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Council Chamber - Town Hall
13 September 2017 (7.30 – 10.05 pm)**

Present: The Mayor (Councillor Linda Van den Hende) in the Chair

Councillors Councillors Clarence Barrett, Robert Benham, Ray Best,
Wendy Brice-Thompson, Michael Deon Burton,
Joshua Chapman, John Crowder, Philippa Crowder,
Keith Darvill, Meg Davis, Ian de Wulverton, Osman Dervish,
Nic Dodin, Alex Donald, David Durant, Brian Eagling,
Gillian Ford, Jason Frost, Jody Ganly, Linda Hawthorn,
David Johnson, Phil Martin, Barbara Matthews, Robby Misir,
Ray Morgon, Barry Mugglestone, John Mylod, Stephanie Nunn,
Denis O'Flynn, Garry Pain, Dilip Patel, Viddy Persaud,
Roger Ramsey, Keith Roberts, Patricia Rumble, Carol Smith,
Frederick Thompson, Linda Trew, Jeffrey Tucker,
Melvin Wallace, Lawrence Webb, Roger Westwood,
Damian White, Michael White, Reg Whitney, Julie Wilkes,
Graham Williamson, Darren Wise and John Wood

10 Members' guests and members of the public and a representative of the press were also present.

Apologies were received for the absence of Councillors June Alexander, John Glanville, Steven Kelly and Ron Ower.

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 Mayor's Official Chaplain, Reverend Susannah Brasier, Rector of St Laurence Church, Upminster opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

42 **MINUTES (agenda item 3)**

The minutes of the meeting of the Council held on 12 July 2017 and of the Extraordinary Meeting of the Council held on 26 July 2017 were before the Council for approval.

RESOLVED:

That the minutes of the meeting of the Council held on 12 July 2017 and of the Extraordinary Meeting of the Council held on 26 July 2017 be signed as correct records.

43 DISCLOSURE OF INTERESTS (agenda item 4)

There were no disclosures of interest.

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

The Mayor advised that she had successfully completed a wing walk on behalf of her charities.

The text of the announcements made by the Leader of the Council is attached as appendix 1 to these minutes.

45 PETITIONS (agenda item 6)

Petitions were presented by Councillor Tucker in relation to a request for a 24-hour health centre in the Rainham & Wennington area and by Councillor Crowder in relation to traffic issues in the Havering Park ward.

46 2016/17 TREASURY MANAGEMENT ANNUAL REPORT AND PROPOSED CHANGE TO THE 2017/18 TREASURY MANAGEMENT STRATEGY STATEMENT (agenda item 7)

A report of Cabinet asked Council to approve proposed changes to the 2017/18 Treasury Management Strategy Statement to enable more flexibility in investment decisions going forward. These would enable the Authority to invest in unrated, secured corporate bonds and increase the limit on pooled fund investments.

The report was **AGREED** with division and it was **RESOLVED**:

That the proposed changes to the Treasury Management Strategy Statement, as set out in appendix 2 to these minutes, be approved.

47 CONSTITUTION UPDATE (agenda item 8)

A report of the Governance Committee sought approval by Council of changes to the Constitution regarding some amendments to the Members' Code of Conduct. These related to Disclosable Pecuniary Interests and sought to make arrangements for these clearer for Members. It was also proposed to delete paragraph 8 (3) of the Code, the effect of which would be that any personal interests arising from membership or management of bodies specified in the Code would be declared at the meeting on the same basis as other interests.

The report was **AGREED** by 45 votes to 5 (see division 1) and it was **RESOLVED**:

That the proposed changes to the Councillor Code of Conduct as shown in appendix 3 to these minutes be approved.

48 **AMENDMENTS TO THE CHIEF OFFICER APPOINTMENTS PROCESS (agenda item 9)**

A report of the Governance Committee sought approval by Council of changes to the Chief Officer appointments process for non-permanent appointments. It was also proposed that the Staff Employment Procedure Rules be simplified and standardised to replace job titles with generic terms such as 'Chief/Deputy Chief Officers and/or officers that fall under the JNC for Chief Executive Officers terms and conditions of employment'.

The report was **AGREED** by 43 votes to 5 (see division 2) and it was **RESOLVED**:

1. **That the proposals set out in paragraphs 7-9 of the report to Governance Committee for non-permanent appointments to senior posts that fall under the JNC for Chief Officers' term and conditions of employment be agreed. The proposed changes to the Staff Employment Procedure Rules are shown as track changes in the document attached as Appendix 4 to these minutes.**
2. **The amendment in terminology be agreed in Part 3, Section 1.2 of the Council's Constitution and the Staff Employment Procedure Rules in Part 4 of the Constitution to replace job titles such as Director, Assistant Director and Head of Service with the generic terms of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers terms and conditions of employment as shown in track changes in the documents attached as Appendix 4 to these minutes.**

49 **OVERVIEW AND SCRUTINY RULES - EXCEPTIONS TO THE CALL-IN (REQUISITION PROCEDURE) (agenda item 10)**

A report of the Chief Executive gave details of the one recent exception to the Call-in (requisition) procedure. This had been granted in relation to a non-key decision of the Cabinet Member for Children & Learning to waive standing orders for the award of a works contract directly to Valuegrade for an extension to the 16+ SEN facility of the Avelon Road Centre. The exception had been granted by the Chairman of the Overview and Scrutiny Board due to an urgent need to make provision for additional students between 16 and 25 with special educational needs.

The report was **AGREED** without division and it was **RESOLVED**:

That the report be noted.

50 **MEMBERS' QUESTIONS (agenda item 11)**

Twelve questions were asked and replies given. The text of all questions submitted, together with their answers, is shown as appendix 5 to these minutes.

51 **MEMBERS SPEAKING ON PLANNING APPLICATIONS (agenda item 12)**

Motion on behalf of the Independent Residents' Group

It is axiomatic that a Havering councillor should be able to speak on a Havering planning application and for two minutes, just like any resident can object, although the Constitution allows 4 minutes for a ward matter. And this has always been the customary practice.

Council wonders why Members are now being told they don't have the right to speak on planning applications outside their own ward and calls on the Governance Committee to consider recommending amendments to the constitution to provide rights for members to speak on matters anywhere in Havering, if they so wish.

Amendment on behalf of the Conservative Group

Amend to read:

This Council notes that DCLG measures the performance of a council as a Local Planning Authority in various ways and that if more than 10 % of decisions on major planning applications are reversed on appeal during a prescribed period a designation may be made the result of which is that applicants may apply directly to the planning inspectorate for planning permission without the council having the power to make a decision or charge planning fees.

It notes further that if planning permission is granted in this way the council will not in future receive the New Homes Bonus relating to these decisions.

It notes further with concern that currently 9.2% of this Council's decisions on majors have been overturned and that if 1 of 2 pending major appeals is lost by the end of December 2017 the 10% threshold will be reached.

This Council therefore requests the Governance Committee to consider its current constitutional arrangements for determining planning applications and in particular major applications in addition to reviewing the right of members other than those on the committee to speak at Regulatory Services committee meetings.

Following debate, the amendment by the Conservative Group was **CARRIED** by 27 votes to 14 (see division 3) and **AGREED** as the substantive motion by 27 votes to 16 (see division 4).

RESOLVED:

This Council notes that DCLG measures the performance of a council as a Local Planning Authority in various ways and that if more than 10 % of decisions on major planning applications are reversed on appeal during a prescribed period a designation may be made the result of which is that applicants may apply directly to the planning inspectorate for planning permission without the council having the power to make a decision or charge planning fees.

It notes further that if planning permission is granted in this way the council will not in future receive the New Homes Bonus relating to these decisions.

It notes further with concern that currently 9.2% of this Council's decisions on majors have been overturned and that if 1 of 2 pending major appeals is lost by the end of December 2017 the 10% threshold will be reached.

This Council therefore requests the Governance Committee to consider its current constitutional arrangements for determining planning applications and in particular major applications in addition to reviewing the right of members other than those on the committee to speak at Regulatory Services committee meetings.

52 **VOTING RECORD**

The record of voting decisions is attached as appendix 6 to these minutes.

Mayor

Appendix 1

Madam Mayor,

There are a number of items that I would like to update members on this evening.

Policing in the borough

I regret that I find it necessary to start my announcements on a negative note. It would seem that as we speak this evening there is in progress a public meeting here in Romford on the future of policing in the borough under proposals set out by the office of the Mayor of London Sadiq Khan for Policing and Crime. The proposals are said to include the closure of Hornchurch and Rainham police stations and of eight Safer Neighbourhood Team Offices.

Residents attending the meeting may wonder why their councillors are not at the meeting doing their job to represent them and the local community interests. Well we are of course here as we are required to be at a full council meeting. I am told that there was no consultation about the date or arrangements for the meeting and that our officers were advised that it was to be held only last week. No mention of the meeting or its subject matter was made at the Crime and Disorder Overview and Scrutiny on 29th August or at the last joint project board.

The latest proposals for our borough are part of planned London-wide cuts. However bearing in mind that we have been asked to participate in the pilot scheme project for unified borough command which had at its heart an increase in safer Neighbourhood Teams this is on the face of it for us a remarkable state of affairs. I will therefore be making representations firstly to the Deputy Mayor for Policing to whom I am to speak on Friday of this week and then in writing to the London Mayor. I shall request from him an explanation how this situation has been allowed to occur and what has happened to the balance of Olympic Levy which was withheld from our council tax payers on the basis that the extra money would be allocated to the police.

I am sure that we wish to give the strongest possible support to our valued police officers working here in the borough. They have a right to expect adequate organisation and facilities to undertake their onerous task of safeguarding our communities. We also as the democratically elected representatives of 250,000 people should be enabled to fulfil our roles in this matter.

Of course, with the population in North East London increasing and the borough being expected to sustain even higher growth, policing is also of crucial importance. Which is why the recent figures for police response times in the borough has been very disappointing. Not to mention the MPS consultation on plans to close public access points across the borough to which I have referred.

It would come as no surprise if members were now to question the value of any further involvement in the 3-borough pilot and to demand a re-think on the whole proposal. We shall clearly need to give this immediate consideration.

Local Plan and infrastructure needs

As you know, we have been consulting on the draft Local Plan. The consultation on which closes on 29 September. The Local Plan is extremely important and outlines the future development of the borough for the next 15 years. Havering is part of one of the growing areas of London. With our adjoining boroughs regeneration and housing commitments will see further growth over the coming decades. Because of this we need to work with partners and government departments, including the

NHS, to ensure we have the right infrastructure, so that residents can access what they need when they need it.

As such, I feel increasingly strongly that a strategic review of the NHS' plans to close King George's A&E department is now essential. We have already raised serious concerns with the Barking, Havering and Redbridge Clinical Commissioning Group.

Whilst recognising the financial constraints, we want to support the NHS to look again at their now out-of-date planning assumptions around the closure of King George's A&E department.

A review is critical to ensure that the NHS plans for the future needs of residents in Havering and North-East London as they are now known to be and not 7 years ago. This should include reviewing current and future capacity of, not only A&E emergency care, but also GP services and other valued NHS amenities – particularly those that help take the pressure of our busy A&E Departments – such as walk-in-centres and urgent care centres. Our residents deserve nothing less than world class health services, in the right place, at the right time - that provide quality and clinically safe services. I have written to the Secretary of State calling for such a review.

If we are expected to accommodate increased numbers of residents it is surely reasonable that adequate health resources follow that commitment whatever may be the demands of austerity.

Mayor's Draft Transport Strategy

In line with this, we are also responding to the Mayor of London's Draft Transport Strategy, which aims to reduce the need to use cars in London so that by 2041, 80 per cent of all Londoners' trips will be made on foot, by cycle or by public transport.

The draft strategy does not in my view recognise the needs of outer London boroughs such as our own and for us, in particular, it does not recognise that we have an elderly population, many of whom rely on their cars to get around the borough.

In addition, it does not include the key strategic transport infrastructure needed to support the expected future growth in the borough, the need to improve connections between the north and south of the borough, or tackle traffic management issues at Gallows Corner

We are strongly urging the London Mayor to reconsider his priorities.

Rough sleeping and begging

Now moving to Romford Town Centre. Members may have observed an increase in rough sleeping. It is important to highlight that not all who are seen to be sleeping rough are willing to accept help. And while some are genuinely homeless, some individuals carry out anti-social behaviour, including organised begging and street drinking.

Over the last year, we have worked with police to tackle this, and issued three Community Behaviour Orders and 13 Community Protection Notices.

Officers are also working with local off-licences to discourage them from selling alcohol to known street drinkers and have been consulting on a Public Space Protection Order (PSPO) to combat street drinking. This order will replace the current Designated Drinking Area in Romford which prohibits

anyone drinking of alcohol within the ring road in Romford, which ends in October. This is scheduled to come to the next Cabinet meeting.

Orchard Village

Many of you will be aware that I met with a group of residents and Clarion Housing in July to discuss the many concerns that residents of Orchard Village have been raising for some time. The meeting was welcomed by residents and it was useful in creating an effective dialogue with all involved. However, it was not possible to cover all the issues on that day. Therefore, I am in the process of convening another follow-up meeting and will update you on the outcomes of this in due course.

It should be noted however that in view of pending legal action there may well be restraints on making as much progress as would otherwise be possible.

A-Level and GCSE results

Moving on to education. Last month saw thousands of young people across the borough receive their GCSE and A-Level results. A-Level results exceeded the national rate, with Havering students achieving a 99% pass rate. And this year, we saw GCSE results in the new 1-9 grading system – with Havering's results (67%) slightly above the national average. These results show sound progress in achievement which is one of the cornerstones of our school improvement programme.

I would like to take this opportunity to thank all teachers and education staff for their continued dedication and efforts to support students across the borough.

Ofsted update

While on the topic of education, I would like to provide an update about our Children's Services Ofsted inspection last year. An improvement plan was formally submitted to Ofsted in the spring, and another visit is scheduled to take place next month to discuss the progress that has been made. Among many things, improvements have been made to streamline processes in the Multi-Agency Safeguarding Hub (MASH), to increase engagement with care leavers, to increase the proportion of permanent social care staff recruited by 20 per cent, to develop our existing workforce, and to improve the way that management information is recorded.

I will continue to update you on progress made in this important area.

Record number of green flags

Since our last meeting, we have had news that a record 13 parks in the borough now have Green Flag status. Harrow Lodge Park and Haynes Park are the latest to be awarded a Green Flag by environmental charity Keep Britain Tidy, with the other 11 retaining their Green Flag status. They are: Bedfords, Upminster, Hylands, Lodge Farm, Cottons, Harold Wood, St Andrews, Lawns, Raphael, Central and Rise Parks.

This is well-deserved recognition of all the hard work put in by both the staff and Friends' groups to maintain and improve our parks for the benefit of the community. We know how much quality green spaces matter to residents and visitors, and these awards celebrate the dedication that goes *into* maintaining our parks to such a high standard.

Congratulations are also due to our staff also on the season's floral displays and including the floral crowns marking the Queen's Sapphire Jubilee. The photograph of the one shown on the screen at Langtons in Hornchurch was sent to me by an appreciative resident in my ward. I am told that the crown at Collier Row also attracted a great deal of interest and support.

80th birthday of the Town Hall

On another note, this year marks the 80th birthday of the Town Hall and of the Romford Borough Charter. In September 1937, the Borough Charter was granted by King George VI, and we were given our first Mayor. The Town Hall has seen some interesting things over the years and historical moments in time, and it has of course been recognised as a listed building.

Haverling Show

At this point I would like to offer my thanks to all the officers who worked hard to deliver one of the best Haverling Shows we have seen. The weather certainly had a part to play, with a record 55,000 people attending over the bank holiday weekend, however, the entire offer was very impressive. I would also like to thank the many sponsors that contribute towards the event – without their support, we would not have been able to deliver it for free yet again.

Mayors and deputies from 12 other councils attended to support you Madam Mayor and were greatly impressed by the event.

I was part of the administration when the Haverling Show started 39 years ago, and I have seen it change and grow over the years. I am sure, like me, members will all be looking forward to celebrating its 40th anniversary next year.

For the second year there has been a vox pop recording on an antique double decker bus which itself has been popular with younger visitors.

Haverling Show comments

Finally, members may remember, last year at the Haverling Show, we asked people questions on the bus about what they liked most about Haverling. This year, we asked what people liked most about the Haverling Show and what they would like to see change. So I will leave you with this short video.

Appendix 4

Changes to the 2017/18 Treasury Management Strategy Statement

4.1 In February 2017, the 2017/18 Treasury Management Strategy Statement was approved by Council as required by the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* (the CIPFA Code) and Department for Communities and Local Government (DCLG) issued revised Guidance on Local Authority Investments in March 2010 that requires the Council to approve an investment strategy before the start of each financial year.

4.2 The Treasury Management Strategy Statement fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA code and DCLG guidance.

4.3 During the period since the February Council approval of the TMSS, officers have been working in consultation with the Cabinet Member for Financial Management on developing options to mitigate the adverse effect on investment income from interest rates remaining lower for longer than planned and increased CPI inflation that is set to rise to circa 3%. An option explored has been to invest in secured unrated corporate bond investments. This will require the Authority to expand the list of instruments it can invest in. Full Council approval is required make this amendment.

4.4 The changes proposed are highlighted in bold below and have been made in consultation with the Authority's external treasury adviser. Any investment in these new instruments will subject to the officers undertaking robust due diligence including specialist advice as required, compliance with the Authority's financial strategy and approval of the S151 officer in consultation with the Cabinet Member for Financial Management.

Table 1: Original Approved Investment Counterparties

Credit Rating	Banks Unsecured*	Banks Secured*	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	Unlimited 50 years	n/a	n/a
AAA	£25m 5 years	£25m 20 years	£25m 50 years	£15m 20 years	£15m 20 years
AA+	£25m 5 years	£25m 10 years	£25m 25 years	£15m 10 years	£15m 10 years
AA	£25m 4 years	£25m 5 years	£25 15 years	£15m 5 years	£15m 10 years
AA-	£25m 3 years	£25m 4 years	£25m 10 years	£15m 4 years	£15m 10 years
A+	£25m 2 years	£25m 3 years	£15m 5 years	£15m 3 years	£15m 5 years
A	£25m 13 months	£25m 2 years	£15m 5 years	£15m 2 years	£15m 5 years
A-	£25m 6 months	£25m 13 months	N/A	£15m 13 months	£15m 5 years
BBB+	£15m 100 days	£15m 6 months	N/A	£10m 6 months	£10m 2 years
BBB or BBB-	£15m next day only	£15m 100 days	N/A	N/A	N/A
None	£1m 6 months	N/A	N/A	£50,000 5 years	£10m 5 years
Pooled funds	£25m per fund				

Table 2: Revised Approved Investment Counterparties

Credit Rating	Banks Unsecured*	Banks Secured*	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	Unlimited 50 years	n/a	n/a
AAA	£25m 5 years	£25m 20 years	£25m 50 years	£15m 20 years	£15m 20 years
AA+	£25m 5 years	£25m 10 years	£25m 25 years	£15m 10 years	£15m 10 years
AA	£25m 4 years	£25m 5 years	£25 15 years	£15m 5 years	£15m 10 years
AA-	£25m 3 years	£25m 4 years	£25m 10 years	£15m 4 years	£15m 10 years
A+	£25m 2 years	£25m 3 years	£15m 5 years	£15m 3 years	£15m 5 years
A	£25m 13 months	£25m 2 years	£15m 5 years	£15m 2 years	£15m 5 years
A-	£25m 6 months	£25m 13 months	N/A	£15m 13 months	£15m 5 years
BBB+	£15m 100 days	£15m 6 months	N/A	£10m 6 months	£10m 2 years
BBB or BBB-	£15m next day only	£15m 100 days	N/A	N/A	N/A
None	£1m 6 months	N/A	N/A	£5m 5 years	£10m 5 years
Pooled funds	£25m per fund These include Bond Funds, Gilt Funds, Equity, Enhanced Cash Funds, Mixed Asset Funds and Money Market Funds				

MEMBERS' CODE OF CONDUCT

Members or co-opted members of the Council of the London Borough of Havering have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

Principles of conduct in public office

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

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

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

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

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

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

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

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

Personal conduct

Accordingly, Members must act solely in the public interest and:

- Never improperly confer an advantage or a disadvantage or seek financial or other material benefits for family members, friends or close associates
- Never place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties
- Make all decisions on merit alone
- Are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate to their office
- Be open as possible about their decisions and actions, and those of the Council, be prepared to explain the reasons for those decisions and actions
- Disclose any private interests, pecuniary or non-pecuniary, that relate to their public duties and take steps to resolve any conflicts of interest that arise, including registering and declaring interests in accordance with the Council's agreed procedures
- Ensure that they do not use, nor authorise the use by others of, facilities provided by the Council for any purpose that would be improper, including for party political purposes, and must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986
- Promote and support high standards of conduct when serving in their public post, in particular as characterised by the requirements of this Code, by leadership and by example

As a Member of the Council, each Member will in particular address the statutory principles of the code of conduct by:

- Championing the needs of all residents and putting those interests first.
- Dealing with representations or enquiries from residents, members of local communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including their own financial interests or those of others connected to them, to deter them from pursuing constituents' casework, the interests of the Borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising their position by placing themselves under obligations to outside individuals or

organisations who might seek to influence the way they perform their duties as members/co-opted members of the Council.

- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for their decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Council's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those they work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

Members will be expected to comply with the Council's policies on Equality in Employment, Equality in Service Provision and Harassment and Bullying at Work.

Interests

1 Notification of interests

~~(1) You must, within 28 days of your election or appointment to office (where that is later),~~

~~(a) notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and~~

- ~~(b) notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.~~
- ~~(2) You have a personal interest in any business of your authority where either—~~
- ~~(a) it relates to or is likely to affect—~~
- ~~(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;~~
- ~~(ii) any body—~~
- ~~(aa) exercising functions of a public nature;~~
- ~~(bb) directed to charitable purposes; or~~
- ~~(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;~~
- ~~(iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.~~
- ~~(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.~~

2 Disclosure of personal interests

~~(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 1 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~

~~(2) (A) You have a personal interest in any business of your authority~~

~~(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or~~

~~(ii) It relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.~~

~~(B) In sub-paragraph (2)(A), a *relevant person* is—~~

~~(i) a member of your family or any person with whom you have a close association; or~~

~~(ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;~~

~~(iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or~~

~~(iv) any body of a type described in paragraph 1(2)(a)(i) or (ii).~~

~~(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.~~

~~(4) Where you have a personal interest but, by virtue of paragraph 4, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.~~

~~(5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you~~

~~must ensure that any written statement of that decision records the existence and nature of that interest.~~

3 Register of interests

~~Any interests notified to the Monitoring Officer will be included in the register of interests.~~

~~A copy of the register will be available for public inspection and will be published on the authority's website.~~

4 Sensitive interests

~~Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.~~

5 Non-participation in case of pecuniary interest

~~(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—~~

- ~~(a) affects your financial position or the financial position of a person or body described in paragraphs 1(2) or 2(2); or~~
- ~~(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.~~

~~(2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—~~

- ~~(a) You may not participate in any discussion of the matter at the meeting.~~
- ~~(b) You may not participate in any vote taken on the matter at the meeting.~~
- ~~(c) If the interest is not registered, you must disclose the interest to the meeting.~~
- ~~(d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.~~

Note: In addition Standing Order X requires you to leave the room where the meeting is held while any discussion or voting takes place.

- ~~(3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.~~
- ~~(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—
 - ~~(a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;~~
 - ~~(b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;~~
 - ~~(c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;~~
 - ~~(d) an allowance, payment or indemnity given to members;~~
 - ~~(e) any ceremonial honour given to members; and~~
 - ~~(f) setting council tax or a precept under the Local Government Finance Act 1992.~~~~
- ~~(5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.~~

~~6 Interests arising in relation to the Overview and Scrutiny Board or Sub-Committees~~

~~In any business before the Overview and Scrutiny Board or relevant Sub-Committee of your authority (or of a sub-committee of such a committee) where—~~

~~(a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and~~

~~(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken;~~

~~You may only attend a meeting of the Overview and Scrutiny Board or relevant Sub-Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.~~

¹ Disclosable pecuniary interests

This [note section](#) explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction. ~~They come into force on 1 July 2012.~~

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. You must within 28 days of becoming aware of any new disclosable pecuniary interest or a change to a disclosable pecuniary interest which is not included in the council's Register of Interests notify the Monitoring Officer.

A 'disclosable pecuniary interest' is an interest of yourself or an interest of which you are aware of your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

¹ The provisions concerning DPIs have been moved to the start of the interests section as these are the statutory provisions and have potential criminal consequences and it is important that they are at the front of members minds when considering their interests.

Subject	Prescribed description
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<p><i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</i></p> <p><i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i></p>
<i>Contracts</i>	<p><i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</i></p> <p><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p><i>(b) which has not been fully discharged.</i></p>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<p><i>Any tenancy where (to M's knowledge)—</i></p> <p><i>(a) the landlord is the relevant authority; and</i></p> <p><i>(b) the tenant is a body in which the relevant person has a beneficial interest.</i></p>
<i>Securities</i>	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

- A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

~~Note: In addition, Standing Order X requires -y~~ You must leave the room where the meeting is held while any discussion or voting takes place.

- B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. [Such applications should be made to the Monitoring Officer.](#)

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest

- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Other types of Interest that must be disclosed and may be registered

Note: the provisions in respect of Discloseable Pecuniary Interests above take precedence over the provisions below about other interests.

7 Personal Interests

- (1) You have a personal interest in any business of your authority where you do not have a disclosable personal interest and ~~either—~~

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—

~~(bb)~~(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

- (23) You must, within 28 days of becoming a member or co-opted member, or becoming aware of any new personal interest or change to any personal interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

8 Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 7(1) above or as set out in paragraph (2A) below in any business of your authority, and where you are aware or ought

reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your authority

(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or

(B) In sub-paragraph (2)(A), a *relevant person* is—

- (i) a member of your family or any person with whom you have a close association; or
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (iv) any body of a type described in paragraph 47(12)(a)(i) or (ii).

(3) ~~Where you have a personal interest in any business of your authority which if not a disclosable pecuniary interests and relates to or is likely to affect a person described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.~~

(34) Where you have a personal interest but, by virtue of paragraph 43, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(45) Where you have a personal interest that is not a disclosable pecuniary interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

95 Non participation in case of pecuniary interest

(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one

which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

- (a) affects your financial position or the financial position of a person or body described in paragraphs [74\(12\)](#) or [82\(2\)](#) ;or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—
- (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

You must leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, and it is not a disclosable pecuniary interest, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that is not a disclosable pecuniary interest, that relates to the functions of your authority in respect of—
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest that is not a disclosable pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

610 Interests arising in relation to the Overview and Scrutiny Board or Sub-Committees

In any business before the Overview and Scrutiny Board or relevant Sub-Committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(c)(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may only attend a meeting of the Overview and Scrutiny Board or relevant Sub-Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

STAFF EMPLOYMENT PROCEDURE RULES

Recruitment and appointment

1. Seeking support for appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. This statement shall be included in any recruitment information.

No councillor will seek support for any person for any appointment with the Council.

2. Declarations

The Council shall ask any candidate for appointment as a member of staff to state in writing whether they are related to an existing councillor or member of council staff; or the partner of such persons. No candidate who declares such a relationship will be appointed without the authority of Director of Human Resources and/ or a [Deputy Chief Executive](#) [SLT Director](#).

3. Recruitment

Where the Council proposes to appoint a [Head of Paid Service](#) or [Chief/Deputy Chief Officer](#) and/or officers that fall under the JNC [for Chief Officers term and conditions of employment](#) [Head of Paid Service](#), a [Deputy Chief Executive](#) [Director](#), a [Monitoring Officer](#), a [one Source Director](#) or a [Head of Service](#) and it is not proposed that the appointment be made exclusively from among the existing members of staff, the Council's usual recruitment procedures shall apply.

4. Appointment of Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Committee. The Appointments Committee must include at least one Cabinet member.

5. **Appointment of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment** ~~Deputy Chief Executive~~Chief and Deputy Chief Officers~~ss, Chief Finance Officer, Monitoring Officer, Assistant Deputy Directors and Heads of Service~~¹

The Appointments Committee will appoint Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment. ~~Deputy Chief Executive~~SLT Directors, Chief Finance Officer, Monitoring Officer~~and, Assistant Deputy Directors and Heads of Service, except in the case of interim appointments.~~ The committee must include at least one Cabinet member.

An offer of employment as Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment an SLT Director ~~Deputy Chief Executive, Chief Finance Officer, Monitoring Officer, Assistant / Deputy Directors or a Head of Service (where the post is a Deputy Chief Officer post), other than in the case of an interim acting up arrangement,~~ shall be made only where no well-founded objection from any member of the Cabinet has been received (as set out in rule 154 below).²

66- Non Permanent Appointment of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment

i) Responsibility for the appointment of such officers on a temporary basis (including 'Acting Up' or 'Secondment' arrangements), covering either a permanent or temporary post for a period of up to a maximum of 12 months is delegated to the Head of Paid Service.

ii) Any extension to the temporary arrangement beyond the initial 12 month period will require the approval of the Appointment Sub-Committee and in the case of temporary and fixed term employment contracts this will be limited to a further maximum period of 6 months.

¹ Under the Regulations relating to staff appointments, appointments to officers below deputy chief officer level may only be appointed to by members if they are political assistants as defined in section 9 of that Local Government and Housing Act 1989.

² These changes clarify the position in respect of interim appointments to reflect existing practice

iii) Responsibility for the appointment of such officers on a temporary basis (including 'Acting Up' or 'Secondment' arrangements), covering either a permanent or temporary post for a period of more than 12 months will be a matter for the Appointment Sub-Committee.

1. Appointment of Director of Public Health

The Council must in accordance with Part 3 of the National Health Service Act 2006 as amended by Section 30 of the Health and Social Care Act 2012, jointly with the Secretary of State, appoint an individual to have responsibility for all local authorities public health functions, including any conferred by regulation. The individual is to be known as an officer of the local authority and is to be known as the Director of Public Health. The appointment of the Director of Public Health shall be made by the Advisory Appointments Committee. Before terminating the appointment of the Director of Public Health the Local Authority must consult the Secretary of State

87. Appointment of oneSource Directors

The Managing Director, Directors, Assistant/Deputy Directors and Heads of Service (where they report directly to a Director) of oneSource shall be appointed pursuant to the provisions of the Inter-Authority Agreement between the London Boroughs of Havering ³ and Newham dated 1 September 2014 and the variation thereto dated 18 June 2015

98. Assistants to political groups

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and in accordance with statutory regulations.

³ Removing the reference to a particular date avoids the need to update the dates mentioned in the provision should any further amendment be made to the agreement.

910. Disciplinary action

No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph 1140 below, may be taken other than in accordance with a recommendation in a report made by a Panel of Appointments Sub-Committee under regulation 6 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

1140. Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by the Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should last no longer than two months. In exceptional circumstances, the decision to suspend may be made by a Deputy-Chief ExecutiveSLT Director in conjunction with the Director of Human Resources and Organisational-Development Change; this decision must be notified to all councillors as soon as possible.

142. Independent person

No other disciplinary action may be taken in respect of any of the officers referred to in 109 above except in accordance with a recommendation in a report made by a Panel of the Appointments Sub-Committee

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

132. Dismissal

Councillors will not be involved in the dismissal of any officer below Head of Paid Service or Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment Head of Service/Assistant Director level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

143. Role of the Cabinet

Where a committee or a sub-committee of the Council is discharging, on behalf of the authority, the function of the appointment or dismissal of Head of Paid Service or Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment the Head of Paid Service, a Deputy Chief Executive/SLT Director, Chief Finance Officer, Monitoring Officer or a Head of Service at least one member of the Cabinet must be a member of that committee or sub-committee.

145. Appointment process

In this paragraph, "appointor" means, in relation to the appointment of a person as a member of staff of the Council, the Council or, where a committee, sub-committee or member of staff is discharging the function of appointment on behalf of the Council, that committee, sub-committee or member of staff, as the case may be.

An offer of an appointment as Head of Paid Service or Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment Head of Paid Service, Deputy Chief Executive/SLT Director, Chief Finance Officer, Monitoring Officer, Director or Assistant/Deputy Director of one Source or Head of Service must not be made by the appointor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered. Such appointments must be in accordance with the appropriate terms and conditions of employment

156. Dismissal process

In this paragraph, "dismissor" means, in relation to the dismissal of a member of staff of the Council, the Council or, where a committee, sub-committee or another member of staff is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other member of staff, as the case may be.

Notice of the dismissal of a Head of Paid Service, Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment a Deputy Chief ExecutiveSLT Director, an Assistant Director or a Head of Service (who is a Deputy Chief Officer) or a Chief or Deputy Chief Officer within the oneSource group of services must not be given by the dismissor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered.

176. Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

187. Independent Persons

The Council must invite relevant independent persons to be considered for appointment to a Panel, being a committee appointed by the Council under Section 102(a) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of any of the officers referred to in Paragraph 167 above with a view to appointing at least two such persons to the Committee.

A 'relevant independent person' means any independent person appointed by the Council under Section 28(7) of the Localism Act 2011 or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

The Council is not required to appoint more than two relevant independent persons to its Panel but may do so if it wishes.

The Council must appoint to its Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraphs above with the following priority order:

- (a) A relevant independent person who has been appointed by the Authority and who is a local government elector;
- (b) Any other relevant independent person who has been appointed by the Authority
- (c) A relevant independent person who has been appointed by another Authority or Authorities.

198 Appointment of Panel

The Council must appoint any Panel at least 20 working days before a meeting of the Council to consider whether or not to approve a proposal to dismiss any of the officers referred to in Paragraph ~~167~~ above.

204 Determination of Proposal to Dismiss

Before the taking of a vote on whether or not to approve a dismissal, the Council must take into account in particular:

- (a) Any advice, views or recommendations of the Panel
- (b) The conclusions of any investigation into the proposed dismissal, and
- (c) Any representations from the officer the subject of the disciplinary action

210 Remuneration of Independent Persons

Any remuneration or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances of fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011

242. Capability process

The process to be followed must be in accordance with the appropriate terms and conditions of employment for that member of staff and the appropriate Council employment policy/procedure

223

Grievance process

The process to be followed for a grievance must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure

234

Bullying and Harassment process

The process to be followed for a complaint must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure.



Appendix 5

FULL COUNCIL, Wednesday 13 September 2017

MEMBERS' QUESTIONS

Fire Safety Checks on Council Owned Buildings

**1) To the Leader of the Council
From Councillor Julie Wilkes**

In light of the Grenfell Tower tragedy, would the Leader of the Council confirm that all public buildings that the Council own or are responsible for have been comprehensively checked for fire safety and what, if any, further checks will be carried out?

Answer

All corporate Council buildings have a fire risk assessment carried out on them each year, and any shortfalls are identified and corrected. All fire risk assessment documents are retained and can be inspected by Members if required.

Funding is available to deal with any issues raised. All fire equipment and fire alarm facilities within each facility are serviced annually by an approved external contractor.

Health and Safety have written to all Community Schools requesting a copy of their current Fire Risk Assessment (FRA) and asking them to complete a declaration about measures they have in place for fire safety. Follow-ups will be carried out with individual schools as required.

Sports and Leisure Management (SLM), the Council's leisure operator has robust FRAs in place for all four of the leisure facilities in the borough. These are reviewed by each site health & safety coordinator on a regular basis and also by SLM's Regional Health and safety Coordinator bi-annually. Should any incident/accident occur they would be reviewed immediately.

All HRA Housing blocks have been checked in accordance with current regulations. New Fire Risk Assessments (FRAs) have been carried out to high-risk property types and the scheduled programme of FRAs to lower-risk properties has been brought forward. The regime of daily inspections by caretakers and cleaners, and six-weekly inspections by estate surveyors will continue. A project team has been put in place to ensure that any findings from the FRAs and any recommendations which emerge from the ongoing inquiry into Grenfell Tower are addressed without delay.

In response to a supplementary question, the Leader of the Council added that there was not a single overall report covering fire safety but that all fire risk inspections for Council buildings were available for inspection.

Tri-Borough Response Times

2) To the Leader of the Council From Councillor Jeffrey Tucker

Please provide an update regarding Tri-borough response times in comparison to other borough commands within London.

Answer

The highest priority calls to the police are classified as either “I” (“Immediate”) or “S” (“Significant”). The MPS aims to respond to “I” calls within 15 minutes and “S” calls within an hour.

Across the MPS, over the past 12 months, 84.8% of “I” calls and 76.2% of “S” calls have been responded to within the charter time. Within the East Area Command Unit (covering Barking & Dagenham, Redbridge and Havering), 67% of “I” calls and 56% of “S” calls were responded to within the target time.

It should be noted that the volume of calls requiring police attendance across the tri-borough was significantly higher during Quarter 1 of this financial year than it was during the same period last year. As a result, response teams were regularly challenged with an ‘outstanding calls list’ of 100+ incidents at the start of their shifts, which impacted on response times.

This is of course a pilot, and new ways of working have been implemented as areas of concern have arisen. A team of officers is now in place to deal with low risk, high volume calls on the outstanding calls list, freeing up response officers to deal with new emergency calls. Team Minimum Strengths have also been enhanced to increase resilience.. This reduced the unallocated call volume from 141 to 16 calls in its first week of operation.

Consequently, during recent weeks we have seen a vast improvement, with 90% of calls being met within the charter time on various days.

Response times continue to be monitored.

In response to a supplementary question, the Leader of the Council denied that the tri-borough Police model had been a mistake. He added that the Metropolitan Police has requested to be part of the trial and that this allowed some influence on the model. It was accepted that response times had been a failing of the model but there had been improvements in areas such as domestic violence and safeguarding. Recent announcements by the Mayor of London concerning the proposed closure of Hornchurch and Rainham police stations were a major concern and needed to be reconsidered.

Parking Ticket Machines- Hildene Shopping Area

- 3) **To the Cabinet Member for Environment and Community Safety (Councillor Osman Dervish)**
From Councillor Keith Darvill

Will the Lead Member review the labelling/notices displayed on parking ticket machines in Hildene Shops Harold Hill which are often defaced and vandalised?

Answer

I thank the Councillor for his question and am sure he would join me in condemning anyone defacing Council property.

You will be pleased to hear that the Hildene machines are inspected by technicians on a fortnightly basis. When collecting the cash, the officers responsible also inspect the machines and the labelling, and arrange for any missing or defaced labels to be replaced. In addition, the technicians also make visits as and when needed in response to any reports from members of the public.

In response to a supplementary question, the Cabinet Member confirmed that he was happy to review parking payment arrangements in the Hildene shopping area.

Emergency Planning

- 4) **To the Leader of the Council**
From Councillor Barbara Matthews

In light of the various tragic events that have taken place in both London and Manchester this year, would the Leader of the Council confirm what steps have been taken to review the Council's emergency planning and what contingency plans are in place in the event of a major incident in the borough?

Answer

Following these tragic events, all plans have been reviewed incorporating any actions agreed after the incidents. We have excellent relations with partners and other London Boroughs and continuously review plans in the context of potential and emerging threats.

Our plans are robust. We have regular Continuity and Emergency Planning Workshops with Health, Police, Fire and the Voluntary Sector services where real-life scenarios and lessons learnt improve our forward planning. We also work closely with Romford businesses to plan for emergencies.

The Havering Borough Resilience Forum work to the agreed standards for London and our plans are rigorously assessed annually.

The Emergency Planning Service transferred to the Chief Operating Officer's Directorate this year, ensuring full integration with corporate planning and other work including Prevent.

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The Council's response to a major incident is contained in the Major Emergency Plan. Risks are assessed quarterly and reflected in the Council's corporate risk register and reviewed by SLT.

The Council also has a 24/7 response team, a Borough Emergency Control Centre and a Business Continuity Suite with back-up power.

Council plans deal with all potential, high risk incidents and are subject to periodic review and testing.

Andrew Blake-Herbert was London Local Authority Gold for the London Bridge incident, and for the initial part of the Grenfell Tower incident.

The Havering Borough Resilience Forum work to the agreed standards for London and our plans are rigorously assessed annually. The next is due by the 14th September 2017 and will be signed off by the Chief Executive.

In response to a supplementary question, the Leader of the Council felt it was necessary to be mindful of best practice when considering the need for any borough-wide emergency exercises etc. The Leader was satisfied that services had responded as best they could to the recent explosion incident on the A127.

Green, New Zealand Way Rainham

5) To the Cabinet Member for Housing, Councillor Damian White From Councillor Graham Williamson

The "Green" off New Zealand Way, Rainham, is a high value green space. In view of the failure to get planning permission to build on the land or follow due process, will the Administration now consider self-registering the land as an open green space or Village Green within the Local Plan?

Answer

The Council has received an application for village green status, this is being progressed but is outside of the Local Plan process and will be determined by the Council as Registration Authority.

An amendment to the proposed local plan to identify the land as open green space would require a submission during the consultation period to the Local Planning Authority for consideration.

In response to a supplementary question, the Cabinet Member added the application for village green status would be dealt with through the Council's planning policy and a decision would then be made.

Parking Review

**6) To the Cabinet Member for Environment and Community Safety (Councillor Osman Dervish)
From Councillor Jody Ganly**

A comprehensive parking review has been carried out in Havering. Would the Cabinet Member confirm the costs of the survey and the tangible benefits from it?

Answer

As part of the review, all of the borough's existing parking restrictions were surveyed; the information was collated and all traffic orders were switched from text-based to a map-based system.

The new map-based system has provided benefits by making all traffic orders and parking restrictions easy to access and understand for any resident or business that is interested, with historic paper-based traffic orders notoriously difficult for non-parking professionals to understand.

The new map-based orders are fully accessible on the internet by staff and members of the public and anyone wishing to look at the borough's parking restrictions. I would encourage you to visit <http://www.haveringtraffweb.co.uk/> if you haven't already to see for yourself.

As part of the review a cost effective way of preparing and advertising new traffic orders has been introduced. The total one-off cost for all the surveys, and the specialist software including maintenance is £122,790.

Upkeep of Open Amenity Space in Private Ownership

**7) To the Cabinet Member for Housing, Councillor Damian White
From Councillor David Durant**

Local councillors receive complaints about the condition of open land not owned by the Council which on occasion due to location has been tidied up by Environmental Services. However as this is not a long term solution what is Council policy regarding contacting owners, often management companies, to ensure they meet their responsibility to tenants and public to maintain their properties and amenity space, and in particular the open amenity space fronting the Capstan Drive Estate, by Rainham Station?

Answer

We have not received any complaints, nor have any issues been raised about Capstan Drive by members of the public, councillors or John Cruddas MP in respect of the condition of the open spaces in the area. A recent photograph, which I can

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provide upon request, confirms that the grass has been cut by the Management Company.

Where there are persistent or detrimental issues related to private land, the Council's enforcement team will consider issuing notice, and in most cases the threat of notice usually results in the land owner addressing the issue.

In response to a supplementary question, the Cabinet Member agreed that there were small areas of land in Havering where ownership was yet to be determined. This was an historic issue and he was happy to discuss this with Councillor Tucker outside of the Council meeting.

New Homes and the Local Plan

**8) To the Cabinet Member for Housing (Councillor Damian White)
From Councillor Ray Morgon**

The Cabinet Member for Housing sent a letter last month to the Romford Recorder in response to letters in the newspaper alleging that Havering Council plans to build 30,000 new homes. He stated that it is now conclusively established in the draft local plan that this is not the case. Would the Cabinet Member confirm that he still stands by his statement?

Answer

Yes, that remains the case. However, we did publish a copy of the At the Heart which did include in error, reference to the incorrect 30,000 homes figure. Officers would like to apologise for this error.

Web-casting of Council Meetings

**9) To the Cabinet Member for Housing Development Company & oneSource Management, Councillor Ron Ower
From Councillor Michael Deon Burton**

Due to statutory legislation and to assist with public transparency Council and Cabinet meetings are webcast. This facility should be extended to planning meetings too, which can now be lawfully recorded by members of the public. This could be managed within the existing webcast contract, except there have been problems with the delivery of this contract. Please provide an update regarding these problems and an update on how they are being resolved.

Answer

Meetings of Full Council and Cabinet have been webcast since 2009. The webcasts are available as a live feed and on playback via the Council's website. The Council's webcast provider reported a technical fault to the recording of the Full Council meeting which took place on 26 July. Although the meeting was streamed and watched live on the night, regrettably, despite attempts it was not possible to recover the recording. Members were notified of this on 1 August. The Council was not charged for the cost of the live webcast of that meeting. Initial attempts to rectify the fault proved unsuccessful with the meeting of Cabinet on 9 August unable to be webcast. The webcast provider has since attended the Town Hall to install replacement parts and I'm pleased to report that the webcast feed is now working.

In response to a supplementary question, the Cabinet Member confirmed that any problems re webcasting of Council meetings should be reported to the Head of Democratic Services.

Town Centre CCTV Cameras

**10) To the Cabinet Member for Environment and Community Safety (Councillor Osman Dervish)
From Councillor Stephanie Nunn**

Would the Cabinet Member confirm what checks are made to ensure that all Town Centre CCTV cameras are fully functional and what cost/benefit analysis is carried out to evaluate the effectiveness of cameras?

Answer

The cameras are in constant use over 24 hours, 365 days per year and faults are identified through this process. However, all cameras are proactively checked for faults every Wednesday. If any faults are identified they are recorded and reported to our CCTV maintenance contractor for investigation and or repair on our weekly maintenance schedule.

As well as deterring crime and ASB in areas where CCTV has been installed, we collate monthly statistics which show the effectiveness of the cameras. These statistics are reviewed at the monthly Antisocial Behaviour Problem Solving Meeting. They are also shared with the Community Safety Data Analyst and are available for the bi-monthly Tasking Enforcement Meeting.

In response to a supplementary question, the Cabinet Member confirmed he could, if details of location were provided, supply records of checks on a camera in Elm Park that had been kept in the same position for some months.

Parking Enforcement Policy

**11) To the Cabinet Member for Environment and Community Safety (Councillor Osman Dervish)
From Councillor Reg Whitney**

Would the Cabinet Member agree that the Council's parking enforcement focus on easy targets rather than apply Council policy fairly.

Answer

I certainly do not agree. The primary importance of the Council's Civil Parking Enforcement operation is to act as a deterrent, keep the roads of the borough free from congestion and safe for all highway users including motorists, pedestrians and public transport users.

Legislation, operational and statutory guidance dictate fully how the Council must manage the enforcement of both parking and moving traffic contraventions and we must adhere to those rules.

The deployment of Civil Enforcement Officers is managed according to need, in areas of high non-compliance and to manage parking in controlled parking zones. Robust enforcement is often required, especially around our schools at drop off and pick up times and also when there is illegal parking occurring which hinders residents and businesses alike. An example of this would be when residents find a car has parked in front of their driveway without their permission.

If a driver feels they have been issued a PCN for a parking offence or a moving traffic contravention incorrectly, there is a mechanism in place to appeal. The Council has a discretion policy (available on the Council's website) which is central to the enforcement and challenge process and provides a very transparent narrative against which our officers maintain the key aspects of civil parking enforcement in Havering. It supports the necessity to maintain legal compliance, fairness, transparency and consistency, and the Council's reputation.

In response to a supplementary question, the Cabinet Member stated that the locations of the CCTV car were decided by need and that previous offences would have been reported at the site at which a CCTV car was located.

Land at Haydock Close

**12) To the Cabinet Member for Housing (Councillor Damian White)
From Councillor Barry Muggleston**

Planning application number P1388.13 (land at Haydock Close) was approved in 2014 with a condition that a financial contribution of £54,000 be paid towards infrastructure costs associated with the development. Would the Cabinet Member confirm that this contribution was paid and what local infrastructure projects it was spent on?

Answer

The development built at Haydock Close was authorised by planning permission P1680.14, rather than P1388.13. The Section 106 Legal Agreement for that permission required the payment of a £30,000 infrastructure contribution which, to date, has not been received. Officers are currently pursuing payment and it is expected shortly. Once received, the monies will be allocated to an infrastructure project within the Borough.

In response to a supplementary question, the Cabinet Member added that all Section 106 payments were made according to a strict timetable. The precise way in which Section 106 money would be spent would be discussed with the planning department.

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VOTING RECORD

<i>DIVISION NUMBER:</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
The Mayor [Cllr. Linda Van den Hende]	✓	✓	✓	✓
The Deputy Mayor [Cllr. Dilip Patel]	✓	✓	✓	✓
<u>CONSERVATIVE GROUP</u>				
Cllr Roger Ramsey	✓	✓	✓	✓
Cllr Robert Benham	✓	✓	✓	✓
Cllr Ray Best	✓	✓	✓	✓
Cllr Wendy Brice-Thompson	✓	✓	✓	✓
Cllr Joshua Chapman	✓	✓	✓	✓
Cllr John Crowder	✓	✓	✓	✓
Cllr Philippa Crowder	✓	✓	✓	✓
Cllr Meg Davis	✓	✓	✓	✓
Cllr Osman Dervish	✓	✓	✓	✓
Cllr Jason Frost	✓	✓	✓	✓
Cllr Steven Kelly	A	A	A	A
Cllr Robby Misir	✓	✓	✓	✓
Cllr Garry Pain	✓	✓	✓	✓
Cllr Viddy Persaud	✓	✓	✓	✓
Cllr Carol Smith	✓	✓	✓	✓
Cllr Frederick Thompson	✓	✓	✓	✓
Cllr Linda Trew	✓	✓	✓	✓
Cllr Melvin Wallace	✓	✓	✓	✓
Cllr Roger Westwood	✓	✓	✓	✓
Cllr Damian White	✓	✓	✓	✓
Cllr Michael White	✓	✓	✓	✓
<u>RESIDENTS' GROUP</u>				
Cllr Ray Morgon	✓	✓	O	X
Cllr June Alexander	A	A	A	A
Cllr Nic Dodin	✓	✓	X	X
Cllr Jody Ganly	✓	✓	X	X
Cllr Barbara Matthews	✓	✓	X	X
Cllr Barry Mugglestone	✓	✓	X	X
Cllr John Mylod	✓	✓	O	O
Cllr Stephanie Nunn	✓	✓	X	X
Cllr Reg Whitney	✓	✓	O	O
Cllr Julie Wilkes	✓	✓	X	X
Cllr John Wood	✓	✓	O	O
<u>EAST HAVERING RESIDENTS' GROUP</u>				
Cllr Clarence Barrett	✓	✓	✓	✓
Cllr Alex Donald	✓	✓	O	O
Cllr Brian Eagling	✓	✓	✓	✓
Cllr Gillian Ford	✓	✓	✓	✓
Cllr Linda Hawthorn	✓	✓	✓	✓
Cllr Ron Ower	A	A	A	A
Cllr Darren Wise	✓	✓	✓	✓
<u>UK INDEPENDENCE PARTY GROUP</u>				
Cllr Lawrence Webb	✓	✓	X	X
Cllr Ian De Wulverton	✓	✓	X	X
Cllr John Glanville	A	A	A	A
Cllr David Johnson	✓	O	O	O
Cllr Phil Martin	✓	O	O	X
Cllr Patricia Rumble	✓	✓	X	X
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>				
Cllr Jeffrey Tucker	X	X	X	X
Cllr Michael Deon Burton	X	X	X	X
Cllr David Durant	X	X	X	X
Cllr Keith Roberts	X	X	X	X
Cllr Graham Williamson	X	X	X	X
<u>LABOUR GROUP</u>				
Cllr Keith Darvill	✓	✓	O	O
Cllr Denis O'Flynn	✓	✓	O	O
<i>TOTALS</i>				
✓ = YES	45	43	27	27
X = NO	5	5	14	16
O = ABSTAIN/NO VOTE	0	2	9	7
ID =INTEREST DISCLOSED/NO VOTE	0	0	0	0
A = ABSENT FROM MEETING	4	4	4	4
	54	54	54	54

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