



**MINUTES OF A MEETING OF THE COUNCIL OF THE  
LONDON BOROUGH OF HAVERING  
Havering Town Hall, Romford  
28 March 2012 (7.30pm – 10.35pm)**

**Present:** The Mayor (Councillor Melvin Wallace) in the Chair

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

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

Apologies were received for the absence of Councillors Keith Darvill and Mark Logan.

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

At the beginning of the meeting, the Mayor led all present in saying the Lord's Prayer.

The meeting closed with the singing of the National Anthem.

**82 MINUTES**

**RESOLVED:**

**That the minutes of the Meeting of the Council held on 22 February 2012 be signed as a true record.**

83 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

84 **ANNOUNCEMENTS BY THE MAYOR**

The Mayor's Announcements are attached as **Appendix 1** to these minutes.

85 **PETITIONS**

No petitions were presented.

86 **PAY POLICY STATEMENT**

The Governance Committee reported that, pursuant to provisions of the Localism Act 2011, local authorities were now obliged to prepare, adopt and publish, for each financial year and before its beginning, a statement of their policy for the payment of staff.

The policy statement for 2012/13 was therefore now submitted, in order that it could be published before 1 April 2012. The statement is set out in **Appendix 2** to these minutes.

The recommendations within the report were **AGREED** without division and it was **RESOLVED:**

**That the Pay Policy Statement, 2012/13 be approved.**

87 **CONTRACT PROCEDURE RULES**

The Council's Contract Procedure Rules (CPRs) had been reviewed in the light of changes in legislation, extensive restructuring of the Council's services and increasing procurement of goods and services by electronic means. The revised CPRs are set out in **Appendix 3** to these minutes.

The recommendations within the report were **AGREED** without division and it was **RESOLVED:**

**That the revised Contract Procedure Rules (CPRs) be adopted.**

**88 AUDIT AND PENSIONS COMMITTEES – revisions to terms of reference**

The Governance Committee reported that the Pensions Committee had considered the outcome of the Annual review of the Statement of Investment Principles and had undertaken a review of its Governance Compliance Statement. There was concern that not all members of that Committee had received suitable training. Members had also expressed the view that named substitute members should be trained to the same level. To encourage all members to avail themselves of the training opportunities, the Pensions Committee had recommended that its Terms of Reference be amended.

The Council was reminded that the Pensions Committee was expected to conform to the “Myners Principles” for good governance of pension funds.

Whilst reviewing its Governance Compliance Statement, the Pensions Committee had also considered the current duties and terms of reference of the appointment of advisors and felt that these needed amendment.

The Audit Committee had also given consideration to the need to ensure all Members of that Committee, and named substitutes, should be adequately trained.

The Governance Committee accordingly recommended to the Council that:

1. Part 3 of the Constitution, paragraph 1.2 Functions delegated to general council committees be amended as follows:
  - a. Advisers and Investment managers
    - To “Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters
    - To appoint and review the performance of advisers and investment managers for pension fund investments.”
2. Part 4 of the Constitution, Paragraph 12 Pensions Committee be amended to read:
  - (a) The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee with voting rights.
3. Part 4, section 3, of the constitution, Committee Procedure Rules paragraph 17 ‘Training and continuity of membership of certain committees’, sub paragraphs (a) and ( c) be amended by the addition of the following sentence at the end of both paragraphs:

“If a member does not undertake the required training within six months of appointment then that member shall not partake in the decision making of the Committee until their training has been completed”

and at the end of paragraph ( c):

“Non-nominated members may not act as substitutes.”

Recommendations 1 and 2 were **AGREED** without division.

### **Amendment on behalf of the Independent Residents’ Group**

That recommendation 3 be deleted

Following debate, the Independent Residents’ Group amendment was **LOST** by 3 votes to 48 (see voting division 2). The recommendation of the Committee was **ADOPTED** as the substantive proposal without division and it was **RESOLVED** that:

**1. Part 3 of the Constitution, paragraph 1.2 Functions delegated to general council committees be amended as follows:**

**a. Advisers and Investment managers**

**To authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters**

**To appoint and review the performance of advisers and investment managers for pension fund investments.”**

**2. Part 4 of the Constitution, Paragraph 12 Pensions Committee be amended to read:**

**(a) The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee with voting rights.**

**3. Part 4, section 3, of the constitution, Committee Procedure Rules paragraph 17 ‘Training and continuity of membership of certain committees’, sub paragraphs (a) and ( c) be amended by the addition of the following sentence at the end of both paragraphs:**

**“If a member does not undertake the required training within six months of appointment then that member shall not partake in the decision making of the Committee until their training has been completed”**

and at the end of paragraph ( c):

**“Non-nominated members may not act as substitutes.”**

89 **PROCEDURAL MOTION**

During debate of the matters mentioned in the preceding minute, a procedural motion, that Councillor Jeffery Tucker be not heard, was proposed and seconded on the ground that comments by him justified refusal to allow him to continue. The procedural motion was **CARRIED** by 45 votes to 5 (see division 1).

**RESOLVED:**

**That Councillor Jeffery Tucker be not heard.**

Councillor Tucker thereupon resumed his seat.

90 **PETITIONS – changes consequent upon repeal of legislation**

The Localism Act 2011, among other things, had repealed the requirement for a statutory petitions scheme and mandatory ePetitions facility.

The Council noted that the Governance Committee had agreed that there should continue to be a Petitions Procedure, modelled on the former Petitions Scheme but omitting entirely the requirements for petitions passing certain thresholds of signatory numbers to be debated by the relevant Overview & Scrutiny Committee (OSC) or the Council. Such omissions would not prevent Members (individually, or through Groups) from presenting petitions at Council meetings, nor proposing that the subject matter of a petition be debated at a Council or OSC meeting, using the appropriate Council or OSC procedures.

The Committee had also accepted that, although to date, very little use had been made of the Council's ePetitions facility, lack of use did not imply that the facility would never be used and that it should, therefore, be retained.

Repeal of the statutory requirements in relation to petitions and ePetitions meant that it was no longer necessary to make specific provision in the Council, Committee and Overview & Scrutiny Procedure Rules for dealing with petitions, and the Council was invited to agree that they be dispensed with.

The recommendations within the report were **AGREED** without division and it was **RESOLVED that:**

(i) **Rule 23 of the Council Procedure Rules be amended as follows:**

(a) **Omit the number 23.1 from in front of the opening paragraph**

- (b) Delete paragraphs 23.2 and 23.3 (which relate to the holding of debates in response to petitions having 3,500 or more signatories)
- (ii) Rule 15 of the Committee Procedure Rules (which relates to the consideration by Overview & Scrutiny Committees of petitions having 2,500 or more signatories) be deleted and all subsequent paragraphs renumbered accordingly.
- (iii) In the Overview & Scrutiny Procedure Rules:
  - (a) Sub-paragraphs (g) and (h) be deleted from Rule 2 (Role of OSCs: dealing with petitions)
  - (b) Sub-paragraph (e) be deleted from Rule 3 (Specific functions of OSCs: responding to petitions)
  - (c) Sub-paragraphs (vi) and (vii) be deleted from Rule 20 (Procedure at OSC meetings: considering petitions)

91 **STANDARDS OF MEMBERS' CONDUCT – new regime**

The Localism Act 2012 had introduced a new regime for adjudicating the standards of Members' conduct. There would no longer be a national standards framework and there was no obligation to appoint a Standards Committee. There was, however, a requirement for a Members' Code of Conduct, alleged breaches of which had to be formally dealt with, and if upheld, sanctions imposed.

Having considered the requirements and implications of the new legislation, the Committee now submitted recommendations as to the future management of complaints alleging Members' failure to comply with the required standards of conduct. The consequential detailed changes to the Constitution are set out in **Appendix 4** to these minutes.

The recommendations of the Committee were **ADOPTED** without division and it was **RESOLVED**:

- 1 **That, with effect from the date on which section 26 of the Localism Act 2011 comes into force, save insofar as it is necessary for any outstanding complaint made before that section comes into force to be disposed of:**
  - (a) **The existing Standards Committee be abolished.**
  - (b) **Responsibility for standards matters under the new regime be delegated to the Governance Committee and that the Adjudication & Review Sub-Committee deal with**

**the investigation and resolution of allegations of breaches of the Council's Code of Conduct for Members.**

- (c) The functions of the Appointments Sub-Committee be extended to include the interview of applicants for appointment as the Independent Person for Standards under section 28(7) of the Act and making recommendations to the Council as to the appointment.**
- (d) The changes to the Constitution set out in Appendix 4 to these minutes be approved.**

- 2 That the terms of office of the Independent Members of the Committee due to retire at the forthcoming Annual Meeting of the Council be extended until it is abolished and all outstanding matters have been dealt with.**

**92 JOINT MEETINGS OF OVERVIEW & SCRUTINY COMMITTEES –  
chairing arrangements**

The Council was reminded that, from time to time, it was necessary to arrange for a joint meeting of all Overview & Scrutiny Committees. In recent years, there had generally been two such meetings annually, to scrutinise the Council's budget proposals.

Customarily, the chair at such meetings had been taken by the Chairman of an Overview & Scrutiny Committee, nominated in advance of the meeting. At the joint meeting held in January 2012, however, some confusion had arisen over the chairing arrangements and, in consequence, the Governance Committee now suggested that the Council's Committee Procedure Rules be amended to provide a clear process for selecting the Chairman of such joint meetings.

For legal reasons, the joint meeting would need to be chaired by an existing Member of an Overview & Scrutiny Committee, and it was clearly logical that one of the Overview & Scrutiny Committee Chairmen should perform the task.

The Governance Committee accordingly now recommended that the Committee Procedure Rules (CPR) be amended as follows:

Amend CPR 5(g) to read:

- “(i) Subject to (ii) following, where two or more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.**
- (ii) Where a joint meeting of all Overview & Scrutiny Committees is to be held, the chair shall be taken by whichever of the Chairmen of those**

Committees is nominated in advance by the Chairmen of all of those Committees.”

**Amendment on behalf of the Residents’ Group**

**Amend** the recommendation of the Committee to read:

“Amend CPR 5(g) to read:

(i) Subject to (ii) following, where two or more Committees meet jointly, the chair shall be taken by whichever of the Chairmen or Vice Chairmen of those Committees is appointed by the Committees so to act.

(ii) Where a joint meeting of all Overview & Scrutiny Committees is to be held, the chair shall be taken by whichever of the Chairmen or Vice Chairmen of those Committees is nominated in advance by the Chairmen and Vice Chairmen of all of those Committees.”

Following debate, the Residents’ Group amendment was **LOST** by 19 votes to 32 (see division 3). The recommendation of the Committee was **ADOPTED** as the substantive proposal by 32 votes to 19 (see division 4) and it was **RESOLVED**:

**That the Committee Procedure Rules (CPR) be amended as follows:**

**Amend CPR 5(g) to read:**

**“(i) Subject to (ii) following, where two more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.**

**(ii) Where a joint meeting of all Overview & Scrutiny Committees is to be held, the chair shall be taken by whichever of the Chairmen of those Committees is nominated in advance by the Chairmen of all of those Committees.”**

**93 DATES OF COUNCIL MEETINGS, 2012/13**

The Council was invited to agree the dates of its meetings in the municipal year 2012/13.



**RESOLVED:**

That the Council fixes the date of its meetings for the Municipal Year 2012/13 and, on a provisional basis, the balance of 2013 as follows:

2012	
13	June (continuation of Annual Meeting from 23 May)
18	July
19	September
28	November
2013	
30	January
27	February (Council tax Setting)
27	March
22	May (Annual Meeting)
12	June (continuation of Annual Meeting from 22 May) (provisional) (but only if required)
17	July (provisional)
18	September (provisional)
27	November (provisional)

**94 CONFERRING THE FREEDOM OF THE BOROUGH**

A report was submitted at the request of the Mayor and of the Leader of the Council, and with the agreement of the Mayor as a late item pursuant to section 100B(4) of the Local Government Act 1972, on the ground that a decision was necessary at this meeting, seeking authority for a further change in the arrangements for the Annual Meeting of the Council in May.

The Council had already agreed that Members should consider nominations for the conferment of the Freedom of the Borough as part of civic business during the Annual Meeting. The Mayor had suggested that it would be appropriate for any nomination with which a current Mayor would wish to be associated personally to be dealt with while that Mayor was still in office rather than after their successor had taken office.

Recommendations were now submitted, making appropriate provision for conducting the business in accordance with the Mayor's suggestion.

The Mayor's suggestion was **ADOPTED** without division, and it was **RESOLVED:**

- 1 That an extraordinary meeting of the Council be convened at 7.30pm on Wednesday, 23 May 2012 for the purpose of considering whether to confer upon any person nominated the Honorary Freedom of the Borough.**

- 2 That the Annual Meeting of the Council due that day be convened to begin at the conclusion of the extraordinary meeting authorised by (1) above.
- 3 That the order of business for the Annual Meeting on this occasion omit the conferment of the Honorary Freedom.
- 4 That the Governance Committee be requested to consider, in due course, whether the arrangement now proposed should become permanent.

95 **MEMBERS' QUESTIONS**

8 questions were asked and replies given.

The texts of those questions and their answers, together with those not asked orally, are set out in **Appendix 5** to these minutes.

96 **MOTION: PUBLIC ACCESS TO THE COUNCIL CHAMBER**

**Motion on behalf the Independent Residents' Group**

This Council believes that the Administration's decision to exclude guests from the Council Chamber and public from the side gallery during Council meetings was made for petty political, rather than security reasons.

Therefore in the interests of democratic and accountable government, this decision must be reversed.

Following debate, the Residents' Group amendment was **LOST** by 19 votes to 32 (see division 5).

97 **VOTING RECORD**

The record of voting divisions is attached as **Appendix 6** to these minutes.

---

Mayor  
23 May 2012

**APPENDIX 1  
(Minute 84)****MAYOR'S ANNOUNCEMENTS**

I'll begin by telling you all how pleased I was with the success of this year's Mayor's Civic Dinner, which was held at the Forest Lodge Community Centre in Collier Row on March 10.

It was a wonderful evening with lots of entertainment. We had 230 people attending, which was a great turn-out.

The event raised more than £5,000 for the Mayor's charities, which was superb. I'd like to thank everyone who attended and all those who worked so hard to make the evening such a great success.

It has been a busy month and I have been invited to many interesting and varied events, some of which I'd like to share with you tonight.

Last Monday, I had the great pleasure of hearing the Queen's Speech in Westminster Hall, at Parliament. I'd been invited by Romford MP Andrew Rosindell. It was a truly spectacular event, and Her Majesty gave a heart-felt speech; she is an inspiration to us all.

And last Thursday, I was delighted to go to Harrow Lodge Park where we planted a rare black poplar tree, which had been donated to the Council to mark The Queen's Diamond Jubilee.

These trees can grow quite big, so we have been looking for a suitable spot for it for a while. I can assure you it looks lovely in its new home by the lake in the park, where it will be a fascinating sight for many years to come.

Did you know the Metropolitan Police have been running a Jubilee competition with London's young people? Pupils from infant and junior schools, and children with learning difficulties, have been busy designing special Diamond Jubilee cards for The Queen.

I was delighted to help choose the winners from our local schools. Their cards went on display at the recent International Women's Day event at Havering College, and will be sent to Her Majesty. It was lovely to see so many young people taking part in this historic event and having lots of fun while doing so.

Keeping with the Royal theme, I'm very proud to be representing Havering at a special event tomorrow. The Queen and the Duke of Edinburgh will be attending a ceremony in their honour at the Assembly Hall in Waltham Forest.

I know hundreds of people across Havering will be joining us in celebrating the Diamond Jubilee this June, by holding street parties, flying the flag and much more.

And after that we celebrate the London 2012 Olympic and Paralympic Games – it truly is going to be a spectacular and historic summer!

Meanwhile, I've had a very interesting visit to a bell-maker in Tower Hamlets, one of only two left in Britain. They made the world-famous Big Ben there – Big Ben of

**Council, 28 March 2012**

course being the nickname of the bell in the Palace of Westminster, and not the clock, as many people think.

That same day I also visited Canary Wharf and took in the spectacular view from the top of the biggest building there. This is a huge regeneration area and, by the year 2019, there will be around 220,000 people working and living there, with lots of new jobs being created.

I see this as an important opportunity for people in Havering who want to work in the City, as we are only half an hour from Canary Wharf by road and rail. I look forward to hearing more about this scheme in the future.

I was delighted to represent Havering at the Royal Anglian regimental church in Warley for a service of thanksgiving earlier this month.

So it was with great sadness that I heard about a vandal attack on the Royal Anglian's memorial plaque there.

On behalf of the Council, I wrote to the Regiment to reiterate the tremendous support there is for them in Havering, and to say we look forward to welcoming them to Romford in November, when they will be exercising their rights as Freemen of the Borough to march through the town.

I have also visited the crime museum at New Scotland Yard, which is the headquarters of the Metropolitan Police; attended one of the Citizenship ceremonies at Langtons House; and was inspired by the International Women's Day event at Havering College. I also had a rather interesting health check-up by cancer charity workers in Romford Market!

And I was delighted to visit a seminar held by Add+Up, which is one of my charities. It raises awareness for children with Attention Deficit Disorders and supports their parents and carers. This is a very worthy cause.

Finally, I'd like to remind everyone that we have the annual Mayor's Civic Awards on April 2. This is where we honour members of the public who have been working hard for the benefit of their local community.

It will be one of my final civic roles as Mayor of Havering, and I am sure you will all join me in showing your support for these hard-working, selfless and dedicated residents.

**London Borough of Havering****Pay Policy Statement 2012/13****1. Introduction**

2. This pay policy statement is produced in accordance with Chapter 8 of the Localism Act 2011 which requires the Council to prepare a pay policy statement by the 31 March each year before it comes into force.
3. This pay policy statement was approved by a meeting of Havering Council on 28 March 2012. It is made available on the Council's website which also includes separately published data on salary information relating to the Council's senior management team.
4. Under the Localism Act 2011, the Council's pay policy statement must set out:
  - a. the remuneration of its chief officers
  - b. the remuneration of its lowest-paid employees
  - c. the relationship between:
    - i. the remuneration of its chief officers and
    - ii. the remuneration of its employees who are not chief officers
5. Under the Localism Act 2011, Chief Officers in Havering are defined as the following roles:
  - a. Chief Executive
  - b. Group Directors (currently x 4)
  - c. Assistant Chief Executive/Assistant Director (x2)
  - d. Heads of Service (x 16)
  - e. Joint Director for Public Health
6. This pay policy statement excludes staff in schools.
7. The Council's next pay policy statement will be for the year 2013/14 and will be submitted to a meeting of Havering Council for approval by 31 March 2013.
- 8. Remuneration of Chief Officers**
9. Chief Executive
10. The Chief Executive is the Council's Head of Paid Service.

**Council, 28 March 2011**

11. The Chief Executive is paid on a spot salary. As at 31 March 2012, the annual Full Time Equivalent spot salary is £163,920pa. The spot salary is increased in accordance with the Joint Negotiating Committee for Chief Executives of Local Authorities with effect from 1<sup>st</sup> April each year. Although not yet determined, the award for 1<sup>st</sup> April 2012 is likely to be 0%.
12. The Chief Executive is entitled to receive a separate Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
13. The Chief Executive receives no bonuses, overtime or any other additional salary payments.
14. Group Directors
15. The Council is currently operating on interim management arrangements for Group Directors. The substantive role of the Group Director Social Care & Learning was temporarily split following the departure of the previous postholder. This is because the Council has an extremely high level of transformation work on hand to deliver budget savings and because of the additional work required due to the imminent changes in the health system which will include the Council taking on additional responsibilities.
16. The current 4 Group Directors are:
  - Group Director: Finance & Commerce
  - Group Director: Adults and Health
  - Group Directors: Children's Services
  - Group Director: Culture & Community
17. The current 4 Group Directors are paid on a grade comprising the following 6 incremental points and annual Full Time Equivalent salaries, as at 31 March 2012:
  - a. £113,750
  - b. £117,000
  - c. £120,250
  - d. £123,500
  - e. £126,750
  - f. £130,000

**Council, 28 March 2011**

18. The substantive vacant role of Group Director: Social Care & Learning is paid on a grade comprising the following 6 incremental points and annual Full Time Equivalent salary, as at 31 March 2012:
- a. £126,875
  - b. £130,500
  - c. £134,125
  - d. £137,750
  - e. £141,375
  - f. £145,000
19. The value of the incremental points for the 2 Group Director grades are increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1<sup>st</sup> April each year. Although not yet determined, the award for 1<sup>st</sup> April 2012 is likely to be 0%.
20. Progression through the incremental points of the grade is subject to annual incremental progression.
21. The Council's statutory chief officer roles currently undertaken by Group Directors are detailed below. No additional payments are made in respect of these roles:
- |                         |                                     |
|-------------------------|-------------------------------------|
| Section 151 (Finance):  | Group Director: Finance & Commerce  |
| Children's Services:    | Group Director: Children's Services |
| Adults Social Services: | Group Director: Adults & Health     |
22. Group Directors are entitled to receive a separate Deputy Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
23. Group Directors receive no bonuses, overtime or any other additional salary payments.
24. Assistant Chief Executive: Legal & Democratic Services/Assistant Director: Commissioning
25. The Assistant Chief Executive: Legal & Democratic Services and Assistant Director: Commissioning are paid on a grade comprising the following 6 incremental points and annual Full Time Equivalent salaries, as at 31 March 2012:
- a. £91,875
  - b. £94,500
  - c. £97,125
  - d. £99,750

**Council, 28 March 2011**

- e. £102,375
  - f. £105,000
26. The value of the incremental points is increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1 April each year. Although not yet determined, the award for 1 April 2012 is likely to be 0%.
27. Progression through the incremental points of the grade is subject to annual incremental progression.
28. The Assistant Chief Executive: Legal & Democratic Services is the Council's Statutory Monitoring Officer. No additional payments are made in respect of this role.
29. The Assistant Chief Executive: Legal & Democratic Services is entitled to receive a separate Deputy Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
30. Heads of Service
31. The 16 Heads of Service are:  
Head of Asset Management  
Head of Business Systems  
Head of Development & Building Control  
Head of Internal Shared Services  
Head of Finance & Procurement  
Head of People & Change  
Head of Adult Social care  
Head of Children & Young People  
Head of Learning & Achievement  
Head of Communications  
Head of Customer Services  
Head of Culture & Leisure  
Head of Housing & Public Protection  
Head of Regeneration, Policy & Planning  
Head of Streetcare  
Head of Legal Services
32. The 16 Heads of Service are paid on one of the following 3 grades comprising the following incremental points and annual Full Time Equivalent salaries, as at 31 March 2012:



**Council, 28 March 2011**HoS3

- a. £70,125
- b. £72,720
- c. £75,318
- d. £77,919

HoS2

- a. £75,354
- b. £78,147
- c. £80,934
- d. £83,724

HoS1

- a. £82,947
- b. £86,022
- c. £89,085
- d. £92,160

- 33. The value of the incremental points for the 3 Head of Service grades are increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1 April each year. Although not yet determined, the award for 1 April 2012 is likely to be 0%.
- 34. Progression through the incremental points of the grades is subject to annual incremental progression.
- 35. The Head of Finance & Procurement receives an additional annual allowance of £5,000 in respect of Deputy Statutory Section 151 (Finance) responsibilities.
- 36. The Head of Legal Services receives an additional annual allowance of £5,000 in respect of Deputy Statutory Monitoring Officer responsibilities.
- 37. The Head of Children & Young People receives an additional Market Supplement payment equivalent to £10,000pa.
- 38. The Head of Internal Shared Services receives an additional Honorarium payment equivalent to £12,840pa.
- 39. The Head of Legal Services is entitled to receive a separate Deputy Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.

**Council, 28 March 2011**

40. Two Heads of Service roles are shared with other authorities. The Head of Business Systems role is currently shared with the London Borough of Newham (the London Borough of Havering meets 50% of the costs). The Head of People & Change role is currently shared with Southend Borough Council (this partnership is due to end on 31 March 2012 – the London Borough of Havering meets 20% of the costs). Further details can be found on the London Borough of Newham and Southend Borough Council's websites.
41. Joint Director for Public Health
42. The appointment of the Acting Joint Director for Public Health is part of the collaborative work between the National Health Service and the Council. This is a transitional arrangement in preparation for the transfer of public health responsibilities from the National Health Service to the Council in April 2013. The post is paid on the VSM (Very Senior Manager) NHS scale with an annual Full Time Equivalent salary, as at 31 March 2012, of between £85,000 and £95,000. The Council funds 50% of the costs of this appointment.
43. Other Remuneration for Chief Officers
44. On appointment, Chief Officers will be placed on the appropriate incremental point within the appropriate grade having regard to the knowledge, skills and competencies of the individual as well as their current and previous salary levels.
45. The Council does not operate a performance related pay scheme or other bonus schemes for Chief Officers.
46. Chief Officers are not entitled to payment for any other charges, fees or allowances.
47. Chief Officers are not entitled to any benefits in kind as a result of their office or employment.
48. All officers (including Chief Officers) who are within 3 years of retirement and have completed 25 years service within Local Government by the date of their retirement and have been continuously employed by the Council since 24 September 1997 are entitled to receive a salary plusage payment during their final 3 years employment with the Council. The payment is based on 0.2% and 0.3% of substantive salary for each year of Local Government service and each year of continuous service with the Council respectively.
49. The Council's policies regarding how the Council exercises the various employer discretions provided by the Local Government Pension Scheme

**Council, 28 March 2011**

(LGPS) are set out at Appendix 2. These discretions are applied equally to Chief Officers and the Council's other employees. Chief Officers are not entitled to any other increase in or enhancement of pension entitlement as a result of a resolution of the authority.

50. On ceasing to be employed by the Council, Chief Officers (and the Council's other employees) will only receive compensation:
  - a. in circumstances that are relevant (eg redundancy) and
  - b. that is in accordance with our published policies regarding the various employer discretions provided by the LGPS and/or
  - c. that complies with the specific terms of any compromise agreement
51. All directly employed staff, whether permanent or fixed term, will be paid via the Council's payroll system and subject to deduction of tax and national insurance in accordance with PAYE regulations.
52. Remuneration of the Council's Other Employees and the Council's Lowest Paid Employees
53. The Council uses the following grading structures to pay its other employees:
  - NJC for Local Government Employees
  - Soulbury Committee
  - JNC for Youth & Community Workers
  - School Teachers Pay & Conditions
54. The grades, incremental points and annual Full Time Equivalent salaries, as at 31 March 2012, associated with these grading structures are detailed at Appendix 3.
55. The remuneration of the Council's other employees also includes the payments/allowances detailed at Appendix 4.
56. For the purpose of this pay policy statement the Council's lowest paid employees are defined as those paid at Scale 1, spinal point 4 of the NJC for Local Government Employees for which the annual Full Time Equivalent salary, as at 31 March 2012 is £14,697. The Council currently has 2 employees at this level.
57. For the purposes of this pay policy statement the Council's median paid employee is paid at Scale 6, spinal column point 26 of the NJC for Local Government Employees for which the annual Full Time Equivalent salary, as at 31 March 2012 is £23,970.

**Council, 28 March 2011**

58. Relationship between the remuneration of the Council's top earner, its lowest paid employees and other employees
59. Although the Council does not have a policy regarding the ratio between the remuneration of its top earner, its lowest paid employees and other employees, the current ratios are (based upon the part-year to January 2012) detailed below.

Top Earner : Lowest Paid Employee	1 : 11.1
Top earner: Median Paid Employee	1 : 6.8

**Approach to the Setting of Returning Officer/Deputy Returning Officer Fees**Local Elections

Returning Officer fees are paid in accordance with the scale of fees agreed by the Leaders Committee of London Councils. The fees are funded by the Council which provides a budget every fourth year for running local elections. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

Greater London Authority Elections

Returning Officer fees are set by the Greater London Returning Officer. The fees are funded by the Greater London Authority. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

European Parliamentary and Parliamentary Elections and National Referenda

Returning Officer fees are set by the Central Government usually through the publication of a Statutory Instrument. The fees are funded by Central Government. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

**Local Government Pension Scheme Discretions****The Local Government Pension Scheme Regulations****(as amended)****Statement of Policy (July 2009)**

*The Council has made decisions under the above Regulations, which have resulted in the following policies being adopted. (Please note the above Regulations only apply to employees of the Council who are eligible to be members of the Local Government Pension Scheme (LGPS) **they do not apply to teachers**).*

**Flexible Retirement**

Changes have recently been made to the rules of the Local Government Pension Scheme allowing scheme members (and employers) to consider the option of flexible retirement. This regulation allows employees over 50 who have reduced their grade or hours to receive immediate pension benefits whilst still working.

The Council has decided to allow flexible retirement in cases where there is no or minimal cost to the Council subject to careful consideration of the detailed merits of each individual case taking into account the Council's financial position at the time.

**Elections for early retirement (with or without a reduction).**

Elections made under this Regulation by members aged less than 60 are ineffective without the consent of the employing authority or former employing authority. The Council has decided to consider consent to such elections where cost savings apply which are at least equal to the compensatory lump sum payment required to be paid into the Pension Fund to cover the cost of the early retirement.

**Increase of total membership of members leaving employment at or after age 50**

This Regulation allows the Council to resolve to increase an employee's pension membership as an alternative to awarding compensatory added years under the Compensation Regulations. The Council has decided not to exercise this discretion.

**Increase of total membership for new members**

This Regulation allows the Council to resolve to increase a new employee's pension membership within 6 months of them joining the Local Government Pension Scheme. The Council has decided that in general this discretion will not be exercised, having regard to the likely cost.

**Establishment of shared cost AVC scheme (SCAVCs)**

This Regulation allows the Council to resolve to establish a SCAVC scheme whereby the Council contributes as well as the member. The Council has decided not to exercise this discretion on cost grounds.

**Abatement of retirement pensions in new employment**

This Regulation requires the Council to formulate and keep under review their policy concerning abatement (that is, the extent, if any, to which the amount of retirement pension payable to a member should be reduced (or whether it should be extinguished) where the member has entered a new employment with a Scheme employer, other than one in which he is eligible to belong to a teachers scheme). The Council has decided that where this Regulation applies the retirement pension will be abated or reduced.

**Grading Structures for the Council's Other Employees****NJC for Local Government Employees**

<b>Spinal Point</b>	<b>Pay</b>		
	<b>£</b>		
4	14,697	<b>Administrative, Professional, Technical &amp; Clerical Staff</b>	
5	14,814	<b>Grade</b>	<b>Spinal Point Range</b>
6	14,940	APTC 1	4-11
7	15,216	APTC 2	11-13
8	15,615	APTC 3	14-17
9	16,005	APTC 4	18-21
10	16,290	APTC 5	22-25
11	16,482	APTC 6	26-28
12	16,794	SO1	29-31
13	17,196	SO2	32-34
14	17,484		
15	17,808	<b>Principal Officers</b>	
16	18,195	<b>Grade</b>	<b>Spinal Point Range</b>
17	18,582	PO1	33-36
18	18,915	PO2	35-38
19	19,563	PO3	38-41
20	20,205	PO4	41-44
21	20,877	PO5	44-47
22	21,375	PO6	46-49
23	21,951	LP07(a)	49-52
24	22,608	LP07(b)	50-53
25	23,277	LP07(c)	51-54
26	23,970	LP08(a)	55-58

**Council, 28 March 2011**

27	24,711	LP08(b)	56-59
28	25,455	LP08(c)	57-60
29	26,400	LP08(d)	58-61
30	27,225	LP08(e)	59-62
31	28,032	LP08(f)	60-63
32	28,800	LP08(g)	61-64
33	29,601	LP08(h)	62-65
34	30,390	LP08(i)	66-70

35 30,987

36 31,761 **Residential Workers \*\* - see below**37 32,607 **Grade Spinal Point Range**

38 33,510 Grade 1/2 4-19

39 34,542 Grade 3 18-23

40 35,418 Grade 4 22-27

41 36,306 Grade 5 25-30

42 37,179 Grade 6 28-31

43 38,070 Grade 7 31-34

44 38,961 Grade 8 34-37

45 39,789 Grade 9 37-40

46 40,716

47 41,610 **Residential Home Workers**48 42,498 **Grade Spinal Point Range**

49 43,368 1 6 &amp; 8

50 44,262 2 10-12

51 45,153 3 13-15

52 46,050 NRHW 4 16-17

53 46,962 Cook's Grade 11-13

54 47,907



**Council, 28 March 2011**

55	48,876	<b>Day Centre Officers</b>	
		<b>(for people with learning disabilities)</b>	
56	49,836	<b>Grade</b>	<b>Spinal Point Range</b>
57	50,790	Level 1	16-24
58	51,741	Level 2	20-26
59	52,704		
60	53,655	<b>Social Workers Spinal Point Range</b>	
61	54,609	22-36	
62	55,572	Minimum entry point for social worker (unqualified) is scp 22	
63	56,529	Minimum entry point for social worker (qualified) is scp 24	
64	57,477	Review point for social worker (unqualified) is scp 27	
65	58,440	Review point for social worker (qualified) is scp 29	
66	59,667	Maximum point for social worker (unqualified) is scp 35	
67	60,915		
68	62,187		
69	63,498		
70	64,827		

**\*\* Residential Workers (W)**

(inc weekend enhancement)

1/2 (W) SP 6-19 / BAR / 21

3 (W) SP 20-23 / BAR / 25

4 (W) SP 24-27 / BAR / 29

5 (W) SP 27-30 / BAR / 32

6 (W) SP 30-33

7 (W) SP 33-36

8 (W) SP 36-39

9 (W) 39-42

Residential Benchmark: Grade SP22-26 / BAR / 28

**Council, 28 March 2011****Soulbury Committee**Educational Improvement Professionals

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>	<u>Spine Point</u>	<u>£</u>
1	32,353	18	51,837	35	69,228	
2	33,512	19	52,969	36	70,337	
3	34,606	20	53,554	37	71,427	
4	35,714	21	54,679	38	72,529	
5	36,817	22	55,658	39	73,616	
6	37,920	23	56,738	40	74,702	
7	39,079	24	57,705	41	75,795	
8	40,192	25	58,741	42	76,885	
9	41,491	26	59,749	43	77,975	
10	42,649	27	60,781	44	79,071	
11	43,792	28	61,827	45	80,164	
12	44,899	29	62,876	46	81,257	
13	46,152	30	63,924	47	82,356	
14	47,269	31	64,961	48	83,446	
15	48,503	32	66,016	49	84,539	
16	49,620	33	67,071	50	85,632	
17	50,739	34	68,151			

Trainee Educational Psychologists

<u>Spine Point</u>	<u>£</u>
1	21,801
2	23,397
3	24,991
4	26,587
5	28,182
6	29,777

Assistant Educational Psychologists

<u>Spine Point</u>	<u>£</u>
1	26,799
2	27,893
3	28,988
4	30,076

Educational Psychologists – Scale A

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>
1	33,934	7	44,165	
2	35,656	8	45,786	
3	37,378	9	47,305	
4	39,100	10	48,825	
5	40,822	11	50,243	
6	42,544			

**Council, 28 March 2011**Senior & Principal Educational Psychologists

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>
1	42,544	10	54,085	
2	44,165	11	55,159	
3	45,786	12	56,255	
4	47,305	13	57,370	
5	48,825	14	58,447	
6	50,243	15	59,575	
7	50,825	16	60,693	
8	51,912	17	61,818	
9	52,989	18	62,942	

Young People's Community Service Managers

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>
1	33,555	13	46,633	
2	34,653	14	47,731	
3	35,751	15	48,831	
4	36,871	16	49,933	
5	38,009	17	51,042	
6	39,120	18	52,142	
7	40,256	19	53,237	
8	41,547	20	54,355	
9	42,258	21	55,496	
10	43,357	22	56,661	
11	44,450	23	57,851	
12	45,546	24	59,066	

**JNC for Youth & Community Workers**Support Worker Level

<u>Spine Point</u>	<u>£</u>	<u>Spine Point</u>	<u>£</u>
1	14,143	10	19,636
2	14,733	11	20,591
3	15,324	12	21,525
4	15,917	13	22,489
5	16,509	14	23,485
6	17,100	15	24,166
7	17,697	16	24,875
8	18,291	17	25,574
9	19,047		

Grade Spine Points

First Level	
YSW 11	1-4
YSW 12	2-5
YSW 13	3-6

Grade Spine Points

Second Level	
YSW 21	7-10
YSW 22	8-11
YSW 23	9-12
YSW 24	10-13

Grade Spine Points

Second Level (Contd.)	
YSW 25	11-14
YSW 26	12-15
YSW 27	13-16
YSW 28	14-17

**Council, 28 March 2011**Professional Level

<u>Spine Point</u>	<u>£</u>	<u>Spine Point</u>	<u>£</u>
11	20,591	21	28,461
12	21,525	22	29,352
13	22,489	23	30,219
14	23,485	24	31,091
15	24,166	25	31,968
16	24,875	26	32,847
17	25,574	27	33,726
18	26,279	28	34,613
19	26,975	29	35,496
20	27,673	30	36,377

<u>Grade</u>	<u>Spine Points</u>	<u>Grade</u>	<u>Spine Points</u>
YPR 1	11-14	YPR 10	20-23
YPR 2	12-15	YPR 11	21-24
YPR 3	13-16	YPR 12	22-25
YPR 4	14-17	YPR 13	23-26
YPR 5	15-18	YPR 14	24-27
YPR 6	16-19	YPR 15	25-28
YPR 7	17-20	YPR 16	26-29
YPR 8	18-21	YPR 17	27-30
YPR 9	19-22		

**School Teachers Pay & Conditions**Main Pay Scale £

M1	25,117
M2	26,674
M3	28,325
M4	30,080
M5	32,630
M6	35,116

Upper Pay Scale £

U1	37,599
U2	38,991
U3	40,433

Additional Payments for Class Teachers £

TLR 2 min	2,535
TLR 2 max	6,197
TLR 1 min	7,323
TLR 1 max	12,393
SEN min	2,001
SEN max	3,954

Unqualified Teachers £

1	18,789
2	20,629

**Council, 28 March 2011**

3	22,470
4	24,311
5	26,150
6	27,992

**Excellent Teachers £**

Min	43,668
Max	56,061

**Leadership Scale £**

L1	40,433
L2	41,373
L3	42,328
L4	43,314
L5	44,318
L6	45,351
L7	46,496
L8	47,499
L9	48,609
L10	49,784
L11	50,993
L12	52,106
L13	53,335
L14	54,583
L15	55,869

**Leadership Scale £**

L16	57,277
L17	58,526
L18	59,925
L19	61,338
L20	62,784
L21	64,264
L22	65,782
L23	67,338
L24	68,934
L25	70,575
L26	72,247
L27	73,962
L28	75,725
L29	77,525
L30	79,381

**Leadership Scale £**

L31	81,274
L32	83,215
L33	85,213
L34	87,246
L35	89,337
L36	91,473
L37	93,679
L38	95,921
L39	98,185
L40	100,565
L41	103,003
L42	105,502
L43	108,070

**Additional Payments/Allowances for Other Employees**

The following additional payments/allowances are paid to employees other than Chief Officers.

Accelerated Increments	Salary Offset
Additional Allowance	Session payment
Additional Hours	Shift payment
Advance of Pay	Sleep in allowance
Bank Holiday Enhanced	Split duty
Callout Allowance	Standby allowance
Casual Pay	Stat. adoption pay
Civil Weddings	Stat. maternity pay
Contractual overtime	Stat. paternity pay
Dog money	Stat. sick pay
Electoral registration	Supply
Enhanced payments	Three year plusage
Essential Car Lump Sum	Tool allowance
Excess Leave	Unsocial hours
FE Lecturer Pay	
Fee	
First Aid	
GTC Payment	
Gritting Allowance	
Holiday Pay	
Honorarium	
Invigilation	
Laundry Allowance	
Leave Not Taken	
Lettings	
London Allowance	
Market Supplement	
New Starter Arrears	
Night rates	
Noise abatement	
Occupational maternity pay	
Occupational sick pay	
Out of school activity	
Overtime	
Pay adjustment	
Protected rate	
Redeployment payment	
Relocation expenses	

**CONTRACT PROCEDURE RULES**

Contents	Section	Page No
Introduction	1	3
Contract procedure	2	4
Calculating the value of a contract	3	4
European procurement requirements	4	6
Legal, procurement & technical support	5	6
Requirements in relation to TUPE	6	7
Pre-tender report	7	7
Tender process	8	8
Procedure for submission and opening of tenders	9	10
Conduct of negotiations	10	10
Award in-house	11	11
Post Tender reports	12	11
Council standard terms of contract	13	12
British or other applicable European standards	14	14
Early authorisation approval	15	14
Execution of contracts	16	14
Records to be kept	17	16
Prevention of corruption	18	17
Best Value requirements	19	18
Council corporate contracts & framework agreements	20	18
Contract extensions and variations	21	19

**Council, 28 March 2012**

Contents	Section	Page No
Non-commercial considerations	22	20
Appointment of consultants	23	21
Framework /Consortium contracts	24	22
Electronic Business	25	23
Exceptions	26	23
Contracts under £25,000	Schedule A	27
Contracts between £25,000 and £99,999	Schedule B	27
Contracts between £100,000 and £174,000	Schedule C	28
Contracts between £174,000 and £5,000,000 for Part B services or works less than £4,348,350	Schedule D	29
Contracts between £174,000 and £5,000,000 for Part A services	Schedule E	31
Contracts between £5,000,000 and £10,000,000 for Part B services	Schedule F	33
Contracts between £5,000,000 and £10,000,000 for Part A services and works	Schedule G	35
Contracts above £10,000,000 for Part B services	Schedule H	37
Contracts above £10,000,000 for Part A services and works	Schedule I	39
Framework contracts	Schedule J	40
Consortia arrangements (where the London Borough of Havering is not a member)	Schedule K	41



## 1 Introduction

### Purpose

The purpose of these rules is to ensure that all Council contracts involving the Council are awarded:

- (a) in compliance with all relevant United Kingdom and European legislation including best value and EC procurement legislation
- (b) to ensure probity
- (c) to ensure value for money is obtained
- (d) to ensure efficient processes are in place**
- (e) to maximise competition wherever possible
- (f) in accordance with best practice
- (g) to ensure a fair and transparent process
- (h) in a way which demonstrates an audit trail with evidence that there was a fair process and value for money was obtained.

### Status

***The Contract Procedure Rules (CPR's) provide the framework for the procuring of goods and services for the Council.***

***The CPR's ensure there are rules to govern how we procure goods and services to make the most effective and efficient use of resources to deliver best value for the Council and the local community.***

***The Rules identify what route to take when ordering goods and services for the Council and compliance with these rules is a requirement for all Council employees.***

### Requirements

All contracts will be awarded in accordance with these rules and the Financial Procedure Rules which are compulsory and with the relevant provisions of the Council's Procurement Framework. A contract is any order or purchase of goods, supplies, services or works.

All contracts will be awarded in accordance with all relevant United Kingdom and European legislation including best value and European procurement legislation.

**Council, 28 March 2012**

No contract may be awarded unless there is sufficient budget available for the goods, supplies, services or works being procured and appropriate delegated authority to award the contract.

The person awarding the contract shall have a duty to ensure and demonstrate that the best value is obtained, having regard to the appropriate balance between quality and price.

Members of CMT, Assistant Chief Executive, Assistant Director and Heads of Service are responsible for ensuring that all:

- (a) contracts are awarded in accordance with these Rules
- (b) persons responsible for awarding contracts are familiar with the Council's Procurement Framework, familiarise themselves with its contents and attend relevant Council training as appropriate.**
- (c) contracts over £100,000 are recorded on the Contracts Register maintained by the Operational Procurement Team using a Form L
- (d) contracts over £100,000 shall have a nominated Contract Monitoring Officer
- (e) contracts over £100,000 shall be signed and sealed by the Mayor via Legal and Democratic Services.**

**2 Contract Procedure**

The relevant procedures set out in the Schedules to these Rules and in the Procurement Framework shall be followed for all contracts subject to European Procurement Rules. **All** contracts **will** be let in accordance with the relevant procedure as set out in Schedules A to K based on the value of the contract.

**3 Calculating the value of a contract**

In calculating the value of the contract for the purposes of the competition requirement:

- (a) values are total lifetime contract values not annual values
- (b) values exclude VAT
- (c) values are to be aggregated – for example, if there is a recurring need on an annual basis for supplies
- (d) An estimate shall be made of the total purchasing requirement/whole life costing/financial implications – for example,

**Council, 28 March 2012**

including ongoing maintenance and support costs. If there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract for the purposes of these Rules.

- (e) The valuation shall include the value of possible contract extensions and possible additional options.
- (f) Where a contract is of indeterminate length the value of the contract shall be assessed on the basis of the maximum anticipated length of the contract.
- (g) Where a contract is for a number of organisations and the Council is the lead authority, then the value of the contract shall be the total value of the contract for all the organisations. If the Council is not the lead authority then the value of the contract for the purposes of these Rules shall be the value of just this Council's proportion of the contract. It is a breach of these Rules to deliberately divide up contracts to evade the need to follow a more complex/lengthy procurement procedure or evade the requirements of European or UK legislative requirements.

**Council, 28 March 2012**

#### 4 **European procurement requirements**

##### **Thresholds**

European procurement legislation shall be complied with for all contracts above the following thresholds:

Services	£ 173,934
Supplies	£ 173,934
Works	£ 4,348,350

These thresholds will be revised every two years. The next revision will be January 2014.

#### 5 **Legal, procurement and technical support**

##### ***Self Service***

***Staff should use the intranet self service in the first instance when a procurement is required. Once staff has obtained information on "How to procure" they MUST place their order through the oracle i-procurement system in conjunction with these rules.***

##### ***Shared Services***

***Staff should contact the Shared Services for procurement related advice, support and guidance on matters that they are unable to find using the intranet self service.***

##### **Consulting Operational Procurement Team**

The Operational Procurement Team **MUST** be advised at the outset via shared services on all contracts for a value of more than £100,000 and the advice of the Team must be sought to confirm that there are not existing contracts for similar goods or services in order to ensure that the European thresholds are not inadvertently breached.

### **Notifying Assistant Chief Executive Legal & Democratic Services**

The Assistant Chief Executive Legal & Democratic Services shall be notified at the outset of all proposed contracts with a value of more than £174,000 in order to advise on applicability of EU rules, TUPE, best value and any other legislative requirements and to nominate a legal representative to the project team.

### **Notifying Technical Services**

Technical Services should be notified of all proposed works contracts.

## **6 Requirements in relation to TUPE**

Where a contract award for services may result in Council or contractor staff being affected – for example, by possible redundancy, relocation or transfer to the successful tenderer – the advice of the Head of Shared Services (re pensions), Head of People & Change and the Assistant Chief Executive Legal & Democratic Services must be obtained before commencement of the tender process. Details must be included in the pre-tender report to members referred to in rule 7.

## **7 Pre-tender report**

***All contracts with a value of more than £174,000 and less than £500,000 must be reported to the appropriate Head of Service, and over £500,000 to the Member of CMT for approval to commence the tendering process unless an exception set out in 7(c) applies. The report must set out:***

- (a) the likely total cost and budget provision
- (b) the appropriate European procurement route
- (c) the proposed tendering strategy and timetable
- (d) the project team
- (e) a summary of best value issues and any service improvement requirements
- (f) application of TUPE
- (g) project risk assessment.

Contracts within the terms of reference of the Pension Committee may be dealt with by that Committee.

**Council, 28 March 2012**

Contracts for the procurement of gas, electricity and water supplies for Council buildings including schools may proceed without a formal pre-tender report with the approval of the Group Director, Finance & Commerce.

**8 Tender process****General**

All tender processes shall be conducted in accordance with the requirements of these Rules (including the procedure set out in the relevant Schedule), the Financial Procedure Rules, European procurement rules (if applicable), the Procurement Framework.

All tenders that come under the EU rules must be advertised via the European Journal electronically. This will be done by the Operational Procurement team on the Councils behalf.

Where there is the need to initially assess the capability of tenderers to undertake a proposed contract or the list of potential tenderers exceeds 8, the relevant Head of Service may issue a Pre-Qualification Questionnaire (PQQ) to assess which potential tenderers should be included/ excluded provided that such PQQs are assessed using fair, appropriate and consistent evaluation criteria and that the process is fully documented. Guidance is available on the intranet.

The Invitation to Tender (ITT) for all contracts over £100,000 shall include the following information:

- (a) a description of the services, supplies or works sought
- (b) the procurement timetable
- (c) rules for submitting tenders
- (d) pricing mechanism
- (e) the relevant terms and conditions of contract
- (f) the evaluation criteria including weightings
- (g) the Council's view on the applicability of TUPE
- (h) Any other information necessary to prepare tenders

The lists of contractors maintained by Constructionline shall be preferred for the formation of shortlists of potential tenderers for all construction contracts with a value of less than £4,340,000 for buildings and roads maintained by the Council unless otherwise agreed by the relevant Group Director and the Assistant Chief Executive, Legal & Democratic Services

**Evaluation criteria**

The award of all contracts shall be based on fair and appropriate evaluation criteria in accordance with the Procurement Framework and the European procurement rules (if applicable). Full and complete written records of the evaluation process must be maintained by the service

***Weightings (price/quality) and detailed criteria and scoring mechanisms must be set out in the Invitation to Tender***

**Number of Tenders/Quotes**

The minimum number of tenders or quotes to be sought shall be as set out in the relevant Schedule unless these Rules or the Assistant Chief Executive Legal & Democratic Services approves otherwise.

**Award**

The tender or quotation accepted shall be the one which represents the best value for money for the Council overall, taking account of price, quality of service, risk to the Council and other benefits, as set out in the evaluation criteria chosen for the tender and as described in the Procurement Framework .

For all contracts to which EU procurement rules apply all tenderers must be notified of:

- (a) The evaluation criteria
- (b) Their score using the criteria
- (c) The winning score
- (d) An explanation why the winning tender scored more highly than the tenderers one
- (e) The identity of the winner of the contract.

For all other contracts with a value in excess of £100,000 all bidders must be notified of:

- (a) Their score in the evaluation
- (b) The winning score.

## 9 Procedure for submission and opening of tenders

### Submitting tenders

Every invitation to tender shall state that no tender will be considered unless it is returned in plain, sealed packaging which bears the word “tender” followed by the contract name, reference number, if applicable, and closing date and time. The instructions shall clearly indicate that there must be no name or mark indicating the tenderers identity.

### Returning tenders

***All tenders with a likely value of more than £100,000 must be returned to Internal Shared Services Town Hall Main Road Romford Essex RM1 3RX.***

Late tenders shall not be considered without the written approval of the Assistant Chief Executive Legal & Democratic Services which must set out the justification for the decision.

### Opening tenders

Tenders shall be kept secure and unopened until formal opening.

All tenders for a particular contract shall be opened together at one time, in the presence of at least two members of staff not previously involved in the tender process. Where tenders are likely to have a value of more than £100,000, the two members of staff must consist of one representative of the Transactional Team Shared Services and one representative of the relevant Service and/or a representative of the operational procurement team.

The details of the tenders and the tenderers shall be recorded by the staff opening the tenders on the pro forma in the Procurement Framework at Appendix A. Copies shall be sent to (or retained by)

- (a) the relevant department
- (b) the Assistant Chief Executive Legal & Democratic Services
- (c) Internal Audit
- (d) Technical Services (construction contracts only)

## 10 Conduct of negotiations

All negotiations shall be conducted in accordance with European procurement rules, if applicable.



**Council, 28 March 2012**

The Assistant Chief Executive Legal & Democratic Services and the Group Director, Finance & Commerce shall be advised of all contracts in excess of £174,000 that require negotiation before negotiations commence.

Negotiations shall be conducted by at least two senior members of staff, at least one of whom shall be either a Head of Service or a more senior officer. The relevant Member of CMT is responsible for the negotiations. If the value of the contract exceeds £1,000,000 then a senior member of the Assistant Chief Executive Legal & Democratic Services' staff should also be present at the negotiations.

Negotiations must be conducted, and full and proper records shall be kept, in accordance with the relevant section of the Procurement Framework

**11 Awards in-house**

Where there is an in-house team capable of performing the required services, the team may be invited to bid if such a bid is in accordance with the Procurement Strategy.

An award may be made to an in-house team after competition, provided that:

- (a) the in-house team has been evaluated as the most economically advantageous tender in accordance with the requirements set out in the Procurement Framework
- (b) the person making the award can demonstrate that the in-house team represents the best value in terms of quality and price.

**12 Post Tender Reports****Pre-award report**

The results of the evaluation process for all contracts with a value of more than £174,000 and up to £500,000 except for contracts falling within the category set out in 12(b) below, must be reported to the appropriate Head of Service and over £500, 000 and up to £5,000,000 to a Member of CMT for approval and award of the contract.

Contracts with a value of more than £5,000,000 and up to £10,000,000 except for contracts falling within the category set out in the paragraph below (Post-award notification), must be reported to an individual Cabinet Member for approval and award of the contract

Contracts with a value of more than £10,000,000 must be reported to the Leader or Cabinet for approval and award of contract, depending upon the powers delegated.

The report shall set out the details of all stages of the evaluation process and criteria, risk assessment and risk allocation, the results, and a recommendation as to the proposed award of the contract.

**(b) Post-award notification**

***An EU notice must be placed if the contract was subject to EU advertising requirement.***

Works contracts in respect of the Council's buildings and assets where the total contract value is between £174,000 and £4,340,000 are awarded by Heads of Service or more senior staff (as provided for in the constitution Part 3, Section 3)

**Pension Committee**

Contracts within the terms of reference of the Pension Committee may be dealt with by that Committee.

**13 Council standard terms of contract****General**

All Council contracts with a value in excess of £100,000 shall be on the Council approved standard terms and conditions for that type of contract unless:

- (a) the contract is let under an existing framework agreement which specifies the terms & conditions under which an individual contract can be let.
- (b) The Council's standard terms and conditions are not appropriate for the particular contract.
- (c) the Assistant Chief Executive Legal & Democratic Services approves otherwise.
- (d) All Council contracts where the Council approved standard terms and conditions are not appropriate **must** be awarded on the basis of a written specification of the Council's requirements on contract terms and conditions approved by the Assistant Chief Executive Legal & Democratic Services in advance.

**Written requirements**

***Contracts above £100,000 shall include details of:***

- (a) what is to be provided (description, quality and quantity where relevant) and when
- (b) payment provisions (amount and timing)
- (c) the Council's standard conditions in relation to the following matters:

**Council, 28 March 2012**

- (i) the time scale within which the contract is to be performed
- (ii) the contract review period
- (iii) no sub-contracting or assignment without prior consent
- (iv) sub-contractors to be appointed in accordance with these rules
- (v) sub-contractors to be paid within 30 days
- (vi) the Council's insurance requirements
- (vii) the Council's health and safety requirements
- (viii) the Council's data protection and Freedom of Information requirements
- (ix) the Council's equalities requirements
- (x) a right of access to relevant documentation, data and records of the contractor for monitoring and audit purposes
- (xi) a right of termination for the Council
- (xii) a requirement at the discretion of the Council for security for performance – for example, a bond, guarantee or retention sum
- (xiii) quality assurance requirements and consequences
- (xiv) implementation
- (xv) performance monitoring requirements.
- (xvi) best value requirements
- (xvii) the Council's standard prevention of corruption clause
- (xviii) TUPE requirements.

**Contracts for construction works**

All Council contracts for construction works with a total value of more than £100,000 shall be awarded on the basis of a written specification of the Council's requirements and the current conditions of:

- (a) the relevant standard form of Joint Contracts Tribunal (JCT), or
- (b) the standard form of Institute of Civil Engineering (ICE) , or
- (c) the standard form of Project Partnering Contracts (PPC) 2000, OR
- (d) the relevant form of New Engineering Contracts (NEC), OR
- (e) the relevant framework agreement

**Council, 28 March 2012**

whichever is appropriate or another standard form of contract approved by the Assistant Chief Executive, Legal & Democratic Services.

**14 British or other applicable European standards**

All contract specifications shall include reference to appropriate British or European standards where such standards are current and appropriate.

**15 Early Authorisation Approval**

In the event that there is a need for a contract to commence prior to the completion of the formal contract documentation then a Member of CMT after consultation with the Assistant Chief Executive Legal & Democratic Services may authorise the issuing of an Early Authorisation Approval to the contractor. The Early Authorisation Approval shall include the following information:

- (a) Work to be undertaken
- (b) Terms & conditions (this can be by reference to other documents)
- (c) Subject to completion of formal contract

**16 Execution of contracts****Contracts over £100,000 to be sealed**

Contracts with a total value of more than £100,000 will be executed under seal in accordance with Article 10.04 of the Constitution unless the Assistant Chief Executive Legal & Democratic Services approves otherwise. The Legal Document Execution Form must be duly completed by or on behalf of the relevant Head of Service or more senior staff prior to the contract being submitted for sealing.

**Contracts under £100,000**

Unless the Assistant Chief Executive Legal & Democratic Services approves otherwise, contracts with a total value of less than £100,000 will be executed by the signature of the duly authorised Head of Service or more senior staff as appropriate, in accordance with the functions delegated to staff under section 3 of Part 3 of this constitution.

Contracts with a total value of less than £100,000 may be executed under seal where the Head of Service or Member of CMT and the Assistant Chief Executive Legal & Democratic Services deems this appropriate: for example, where the Council may wish to enforce the contract for more than six years after its end.

**Care & Consultancy Contracts**

Contracts for the provision of personal social services to an individual (eg residential care) and educational placements may be signed by the

**Council, 28 March 2012**

relevant approved officer (as formally designated by the Head of Service or more senior staff and lodged with the Assistant Chief Executive Legal & Democratic Services) provided that the annual value of the contract does not exceed £200,000. If it will exceed £200,000 then the contract must be signed by the Assistant Chief Executive Legal & Democratic Services

Contracts for consultancy services and specialist advice (other than those that form part of a larger contract or project) may be signed by the relevant Head of Service or more senior staff provided that the total value of the contract does not exceed £200,000. If it will exceed £200,000 then the contract must be signed by the Assistant Chief Executive Legal & Democratic Services

**17 Records to be kept****Retaining relevant documents**

The Member of CMT shall be responsible for ensuring that there is a secure system of filing and storing all tender process documentation.

***All written records in relation to the award of contracts and the tender process, including supporting documentation, should be scanned as a PDF and saved to the relevant folder within the directorates area. Only the completed contract needs to be kept in hard copy. All other documents once scanned can be disposed of.***

***All written records shall be maintained as follows:***

<b><i>all sealed contracts and contracts with a value over £100,000</i></b>	<b><i>twelve years after the end of the contract</i></b>

The sealed original contract documents shall be retained by the Assistant Chief Executive Legal & Democratic Services in the Council's deeds' room for twelve years after end of the contract.

**Retaining copies of contracts**

Once executed the Council shall retain one original of the complete contract documents, and one copy of the complete contract document shall be provided to the contractor. Where the contract is under seal, one original copy of the contract documents shall be sent to/retained by the Assistant Chief Executive Legal & Democratic Services for storage in the Council's deeds room and one copy shall be retained by the person awarding the contract, as well as one copy being provided to the contractor.

**Documents to be retained**

The complete original set of the contract documents shall be retained including the:

**Council, 28 March 2012**

- (a) contract conditions
- (b) specification
- (c) evaluation criteria
- (d) invitation to tender
- (e) pricing schedule
- (f) contractor's tender submission
- (g) pre-tender correspondence which affects the specification, pricing schedule or contract conditions
- (h) post tender correspondence
- (i) award letter, and
- (j) documentation of all variations and extensions of the contract
- (k) Where an exception to the competition financial thresholds applies, the following documents shall also be retained:
  - (i) the Competition Financial Thresholds Exceptions Approval Form signed by a Member of CMT
  - (ii) the contract and correspondence with the contractor
  - (iii) any evidence of how value for money was obtained – for example, alternative written or oral quotes.
  - (iv) A complete check list of documents to be retained is included in the Procurement Framework at section E20. It is mandatory to retain all the documents listed if they formed part of the process.

**18 Prevention of corruption****General standards of conduct**

All persons involved in the award of contracts shall comply with Council guidance on conduct of staff [and with the Staff Code of Conduct when issued by the Secretary of State] and shall not invite or accept any gift or reward or inducement which could influence them in any way in relation to the award or monitoring of any Council contract. High standards of ethical conduct are mandatory. Staff shall take steps to ensure that their behaviour could not lead to accusations of corruption. Corrupt behaviour is a criminal offence and will lead to criminal investigation and if proven, dismissal and a criminal record.

This Council requires Members, employees and contractors working on its behalf to act with honesty and integrity at all times, when dealing with resources owned by the Council or those for which it is responsible. This includes the responsibility for ensuring that assets are safeguarded and

**Council, 28 March 2012**

that procedures exist within areas of their responsibility to prevent and detect fraud.

***Fraud is an ever-present threat to resources and hence must be of concern to everyone. The Council will rigorously enforce sanctions laid down in its "Disciplinary Procedures" and will seek prosecutions where necessary in order to deter fraudulent activity. The Council is unequivocal in its support of the Police and other external agencies fighting fraud and corruption within the public sector. We have already established arrangements for co-operation and joint working with outside bodies. In addition we actively foster relationships with external organisations for the purpose of introducing new initiatives to help combat fraud.***

***We recognise the important part our employees play in countering the damage that fraud can do if unchecked. We actively encourage the reporting of concerns about fraud and corruption and a "Confidential Reporting (Whistle Blowing) Policy" is available to address this.***

***All Council employees must comply with the anti-fraud and corruption policy.***

### **Declaring an interest**

Any employee who has a pecuniary or other interest in any actual or potential Council contract must declare it in writing to the relevant Member of CMT. All hospitality, gifts or other inducements received shall be recorded in the hospitality register held by the relevant Member of CMT.

## **19 Best value requirements**

All persons awarding contracts for services shall ensure that they can demonstrate that they have complied with the legislative requirements for best value. In addition to the requirements for the report to Members set out in rule 12, the contract award report shall set out:

- (a) how the legal duty to challenge, consult, compare and compete has been met
- (b) how the contract award will meet the Council's statutory duty of economy, efficiency and effectiveness (i.e. best value)
- (c) how continuous improvements in service provision will be maintained and monitored and ongoing efficiencies will be achieved.

## **20 Council corporate contracts and framework contracts**

### **Setting up corporate contracts**

Members of CMT, with the agreement of the Group Director, Finance & Commerce and the Assistant Chief Executive Legal & Democratic

**Council, 28 March 2012**

Services may set up corporate and/or framework contracts for goods services, supplies or works across the Council and other public sector bodies, eg stationery supplies. These shall be advertised and competitively tendered in accordance with the Council's competition and selection procedures set out in these rules and the Procurement Framework.

Where an appropriate corporate contract is in place this shall be used wherever appropriate. The Member of CMT responsible for the corporate contract shall issue guidance as to its use, after consultation with the Assistant Chief Executive Legal & Democratic Services and the Operational Procurement Team.

**Reviewing corporate contracts (which are framework contracts)**

Any corporate/framework contracts shall be reviewed regularly by the Operational Procurement Team and shall be re-advertised re-tendered at least once every four years.

**21 Contract extensions and variations (All Contracts over £100K)****Variations (non-construction work)**

Contract variations (i.e. alteration to the terms of the contract which do not alter the length of it) must comply with the following points:

- (a) ***The nature of the variation has been approved by the Operational Procurement Team.***
- (b) The variation must be in writing and the document will be completed (ie signed or sealed) in the same manner as the original contract unless otherwise provided for within the original contract.
- (c) It must clearly set out which provisions in the original contract are being varied, the replacement provision and the date that the variation takes effect.
- (d) Variations which are to be met from existing budget provisions must be agreed by Heads of Service or more senior staff.
- (e) Variations which exceed existing budget provisions must have appropriate funding secured in conjunction with the financial framework.

**Variations (construction work)**

Contract variations to construction contracts which alter the detailed design, method of construction, materials used, extent of the works or the timing of the works are permissible provided that:

- (a) The variation is in writing and authorised in accordance with the variation provisions set out in the contract



**Council, 28 March 2012**

- (b) It can either be met from existing budget provisions or, if additional funding is required, that authority for the increased budget is obtained first.

**Extensions**

Extensions to the duration of existing contracts are generally not permitted except where all of the conditions set out in column A below are met AND at least one of the conditions set out in column B is met:

<b>Column A</b> <b>ALL of these conditions must be met</b>	<b>Column B</b> <b>AT LEAST one of these conditions must be met</b>
Value for money can be demonstrated	One of the exceptions set out in rule 27 below applies
The extension is for the same or a lesser value and period than the original contract	The possibility of an extension was included in the invitation to tender documents
For an extension with a value in excess of £5,000,000, there is a report to Cabinet For an extension with a value in excess of £174,000 and under - £5,000,000 approval of an individual Cabinet member is required	Where applicable, the Assistant Chief Executive Legal & Democratic Services confirms in writing that one of the permissible grounds for extension under European procurement rules applies

The extension document will be completed (ie signed or sealed) in the same manner as the original contract except in the case of construction contracts where the extension will be authorised in accordance with the relevant provisions set out in the contract

**22 Non-commercial considerations****Considerations to be excluded**

Subject to the paragraph below (considerations which may be included), no part of the tender process, evaluation, contract award or contract or specification documents shall be based on:

- (a) the terms and conditions and composition of the contractor's workforce
- (b) whether subcontractors are self-employed
- (c) the contractor's involvement in irrelevant areas of government policy
- (d) the contractor or contractor's employees' involvement in industrial disputes

**Council, 28 March 2012**

- (e) the contractor's business locations – for example, to buy local or buy British
- (f) any political, industrial or sectarian links or interest of the contractors, its directors or owners, or employees
- (g) the contractor's financial support (or lack of it) to any organisation which the Council does or does not support.

**Considerations which may be included for contracts for services subject to best value legislation**

Contracts for services which are subject to best value legislation may base any part of the tender process, evaluation, contract award or contract or specification documents on the:

- (a) terms and conditions and composition of the contractor's workforce, and/or
- (b) conduct of contractors or their workers in industrial disputes between them

provided that such matters are included either because:

- (a) TUPE applies, or
- (b) it is reasonably necessary or expedient to permit or facilitate compliance with the best value requirements of the Local Government Act 1999

**23 Appointment of consultants**

The appointment of consultants is a contract for services and is therefore covered by these Rules as well as subject to the Financial Procedure Rules and the Procurement Framework.

Consultants may be appointed only if the appropriate Member of CMT is satisfied that the tasks required cannot be carried out adequately in-house – for example, due to lack of internal resources or expertise, specialist knowledge, independence and urgency.

Staff must use the Council's terms and conditions for consultants contract which is available from Operational Procurement ISS before appointing the consultant. The Consultant's contract must include provisions identifying who (normally it should be the Council) owns the intellectual property rights to any documentation, report, design or other work produced by the consultant and, if the Council is not to be the owner of those rights, the licensing terms for the use of the rights.

A consultant who provides advice or expertise to the Council on the nature, scope, extent or terms of a project /another contract shall not be permitted to bid, either alone or with others, for that project/other contract and the

**Council, 28 March 2012**

consultant's contract shall include provisions to ensure compliance with this Rule.

**24 Framework Contracts**

A framework contract is an 'umbrella' agreement for the supply of goods or services. It sets out the overall duration of the arrangement and the terms and conditions on which the goods or services will be purchased, but does not actually place any orders. A framework contract should not ordinarily last for more than four years, unless there are exceptional reasons why the four-year duration must be exceeded. A framework can have one or more buyers and one or more suppliers. All potential buyers must be clearly identified in the framework documents.

Once the framework contract is operative all subsequent purchases under the framework shall either not require further competition (if a single supplier) or, if there are two or more suppliers for those goods or services on the framework, follow the express framework provisions for choosing a supplier. If there are no such express provisions a mini-competition should be held amongst the relevant suppliers.

If the Council is setting up the framework, the framework contract shall be let in accordance with the requirements of these Rules using the procedure set out in Schedules D, E, F or G as appropriate.

Government Framework Contracts (eg Government Procurement Services GPS) and other public sector framework contracts.

Where the proposed contract

- (1) is one for which GPS or another public sector body on behalf of the public sector has undertaken a competitive tendering exercise which fulfils EU procurement requirements and
- (2) sets out the terms and conditions on which such a contract is to be let and where
- (3) the Council is seeking tenders only from those suppliers accredited to that framework tender and
- (4) is to use the agreed terms and conditions, and
- (5) the value of the goods or services to be procured exceeds £174,000 (or if works are being procured, the value of those works is likely to exceed £4,340,000) then the tender process shall be as set out in Schedule J.

Frameworks set up by bodies other than the Council or GPS the tender process shall be as set out in Schedule K.

## 25 **Electronic Business**

Purchases made using the Council's I-procurement system are effectively individual contracts entered into under the provisions of a framework agreement previously agreed between the Council and the supplier. Such purchases shall either not require further competition or, if there are 2 or more suppliers for those goods or services on the i-procurement system, the competition shall be by simple quotations by those suppliers on the price payable for the goods or services.

***In the event of a Service wanting to use some other form of electronic business, eg e-auction, the procedure to be adopted must be agreed by the Operational Procurement Team ISS***

***No Purchase Order No Pay***

***All purchases made by staff MUST include an order number which will be generated through the i-procurement system so that payment can be made. If there is no Purchase Order, then the supplier will not be paid. All orders for goods or services, unless there are special reasons which must be agreed by the Operational Procurement Team, must go through the Council's i-procurement system.***

## 26 **Exceptions**

### **General Exceptions to Rules**

No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule. The report shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Assistant Chief Executive Legal & Democratic Services and the Group Director, Finance & Commerce

### **Exceptions to competitive requirements**

Exceptions to the competition requirements set out in Schedules A to K may be made only if all relevant law is complied with e.g. European procurement and best value legislation and one of the following circumstances applies:

- (a) the contract falls within one of the exceptions listed in this Rule, and the Competition Financial Thresholds Exceptions Form (set out in the Procurement Framework at section C2), is fully and properly completed and signed by the relevant Member of CMT, and the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances.

**Council, 28 March 2012**

- (b) an individual Cabinet member has approved the waiving of the application of these rules, as permitted by Rule (a) above.
- (c) the contract is solely for the employment of agency staff or interim managers (but not consultants)
- (d) joint purchasing with or through another public body provided that the public body awarding the contract can demonstrate that the arrangements comply with European procurement, best value and other applicable legislation.
- (e) The instructing of counsel by the Assistant Chief Executive, Legal & Democratic Services
- (f) they are allowed by some other specific provision in these Rules

The exceptions are:

- (a) **Genuine emergency**  
Unforeseen events likely to cause immediate danger to people or property such as bombing or flooding.
- (b) **Specialist services/supplies**  
Available only from one supplier in the European Union – for example, specialist niche consultants or supplies.
- (c) **For reasons of compatibility**  
With existing services/products – for example, equipment that needs parts from its own manufacturer.
- (d) **Urgency NOT of the Council's own making**  
The urgency must be unforeseen – for example, a current supplier ceases to operate, or a contract is terminated for poor performance. Urgency caused by previous delay by the Council or a requirement to implement a strategy or project urgently will not justify an exception under this exception.
- (e) **Exceptions permitted under European procurement rules**  
Where the contract is subject to the full application of the European procurement rules and there are specific exceptions which shall be complied with.
- (f) **Best Interests of the Council**  
Where it is in the best interests of the Council or the Borough for a provision in these Rules to be waived to enable a contract procurement to be rapidly progressed while still complying with European procurement rules.

**Emergency Action**

A Member of CMT personally may authorise a waiver of any of these Rules if they consider that the circumstances are such that such a waiver is necessary and desirable to further the aims of the Council or for the benefit of the residents of the borough. Such a waiver and the reasons for

**Council, 28 March 2012**

it shall be fully documented and, if reasonably possible, before giving the authorisation the Member of CMT shall consult with the Group Director, Finance & Commerce and the Assistant Chief Executive, Legal & Democratic Services and may consult with the relevant Cabinet Member.

***Grant Funded Expenditure***

***Where the Council receives grant funding and is named as the accountable body for the expenditure of monies. It should be noted that this expenditure should be conducted in line with these Contract Procedure Rules..***

***Small & Medium Sized Enterprises/Local Companies***

***Tendering opportunities thought especially suitable for SME's, Local companies or consortia of both should be flagged by staff during the advertising process. SME's and local companies are more likely to be used for quotations and these should be sought where possible through the P4London portal via the Operational Procurement Team.***

***Purchasing Cards***

***Purchasing cards are a method of payment for goods and services. This method should only be used when there is no other option available to the staff. Procurements should be going through the i-procurement system with the exception of travel, subsistence where staff are out on site and it is impractical to use the i-procurement system.***

Council, 28 March 2012

## SCHEDULES

### **Schedule A - Procurement *under £ 25,000***

1. Advertising – none required
2. Quotes & Procurement award

<u>Value</u>	<u>Number of quotes</u>	<u>Procurement awarded by</u>
Less than £5000	One quote	Council staff member authorised by Cost Centre Manager
£5000 to £24,999	Two quotes	Council staff member authorised by Cost Centre Manager

3. Award criteria – normally solely price once quality threshold achieved

#### ***4. Purchase order to be placed via the i-procurement system***

5. Retain documents – all documentation to be retained for 3 years or the life of the contract whichever is the longer
6. Also check compliance with Rules 19, 20 & 23

### **Schedule B - Procurement between £ 25,000 and £ 99,999**

1. Advertising – none required
2. Quotes & Procurement award – 3 written quotes sought, procurement awarded by 3rd or 4th tier manager or staff member authorised by Head of Service (see Appendix A for the 7 i-procurement levels )
3. Award criteria – compliance with specification and price
4. Purchase order to be placed via the i-procurement system.
5. ***Invoice must be via i-supplier***
6. Retain documents – all documentation to be retained for 3 years after the end of the contract
7. Also check compliance with Rules 19, 20 & 23

**Council, 28 March 2012**

**Schedule C - Contracts between £ 100,000 and £174,000**

1. Advertising – none required. Selection from existing approved list/existing contractors/Constructionline/
2. Process & contract award – Mini tender – one stage
  - (a) competitive tender against written specification of requirements
  - (b) minimum of three written tenders sought
  - (c) contract awarded by 3rd or 4th tier manager or staff member authorised by Head of Service and financial representative of Group Director, Finance & Commerce
3. Award criteria – compliance with the specification and price
4. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
  - (a) For supplies: the Council's Standard Terms AND CONDITIONS of Purchase for Goods
  - (b) For services: the Council's Standard Terms and Conditions for Services
  - (c) Purchase order to be placed via the i-procurement system
  - (d) Invoice must be via i-supplier

Contract to be signed by the duly authorised Head of Service or Member of CMT as appropriate or staff member authorised by the Head of Service
5. Retain documents – all documentation to be retained for 6 years after the end of the contract
6. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule D - Contract between £174,000 and £5,000,000** which is not subject to European procurement legislation advertising requirements (i.e. Part B services, or works less than £4,340,000)

1. Pre tender Report – report to the appropriate Head of Service for up to £500,000 anything over this amount to be reported to CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in either the local press, specialist trade press, or national press as appropriate to the contract. A



**Council, 28 March 2012**

minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract

3. Process – Full tender – 2 stages
  - (a) Selection of potential tenderers from those who express interest as a result of the initial advert
  - (b) competitive tender against written specification of requirements
  - (c) a minimum of 10 working days shall be allowed for tenders
  - (d) minimum of three written tenders sought
  - (e) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
5. Pre – award Report – there must be a report to an individual Member of CMT for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27
6. Contract award - contract awarded by Member of CMT
7. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
8. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
  - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
  - (b) For services: the Council's Standard Terms and Conditions for Services
  - (c) Purchase order to be placed via the i-procurement system

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.
9. Retain documents – all documentation to be retained in accordance with Rule 17
10. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule E - Contract between £174,000 and £5,000,000** which is subject to European procurement legislation advertising requirements (i.e. contracts for supplies, EU Part A services and works above £4,348,350)

**Council, 28 March 2012**

1. Pre tender Report – report to the appropriate individual Member of CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in the Official Journal of the European Community. A minimum of 37 calendar days shall be provided for expressions of interest in accordance with EU procurement legislation, except where the legislative requirements permit a shorter time scale. In addition there shall be at least 1 advertisement in either the specialist trade, local or national press, if appropriate to the contract.
3. Process– Full EU advertised competitive tender process
  - (a) competitive tender against written specification of requirements
  - (b) a minimum of 40 calendar days shall be allowed for tenders
  - (c) minimum of three written tenders sought
  - (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
4. Pre – award Report – there must be a report to an individual Member of CMT for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27.
5. Contract award - contract awarded by Member of CMT
6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
  - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
  - (b) For services: the Council's Standard Terms and Conditions for Services
  - (c) Purchase order to be placed via the i-procurement system
  - (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

**Council, 28 March 2012**

8. Retain documents – all documentation to be retained in accordance with Rule 17
9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule F - Contract between £5,000,000 and £10,000,000** which is not subject to European procurement legislation advertising requirements (i.e. Part B services)

1. Pre tender Report – report to the appropriate individual Member of CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in either the local press, specialist trade press, or national press as appropriate to the contract. A minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract
3. Process – Full tender – 2 stages
  - (a) Selection of potential tenderers from those who express interest as a result of the initial advert
  - (b) competitive tender against written specification of requirements
  - (c) a minimum of 10 working days shall be allowed for tenders
  - (d) minimum of three written tenders sought
  - (e) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
4. Pre – award Report – there must be a report to an individual Cabinet Member for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27
5. Contract award - contract awarded by Cabinet Member approval
6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
  - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
  - (b) For services: the Council's Standard Terms and Conditions for Services

**Council, 28 March 2012**

- (c) Purchase order to be placed via the i-procurement system
- (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

8. Retain documents – all documentation to be retained in accordance with Rule 17
9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule G - Contract between £5,000,000 and £10,000,000** which is subject to European procurement legislation advertising requirements (i.e. contracts for supplies, EU Part A services and works)

1. Pre tender Report – report to the appropriate individual Member of CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in the Official Journal of the European Community. A minimum of 37 calendar days shall be provided for expressions of interest in accordance with EU procurement legislation, except where the legislative requirements permit a shorter time scale. In addition there shall be at least 1 advertisement in either the specialist trade, local or national press, if appropriate to the contract.
3. Process – Full EU advertised competitive tender process
  - (a) competitive tender against written specification of requirements
  - (b) a minimum of 40 calendar days shall be allowed for tenders
  - (c) minimum of three written tenders sought
  - (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
4. Pre – award Report – there must be a report to an individual Cabinet Member for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27.
5. Contract award - contract awarded by Cabinet Member approval
6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a

**Council, 28 March 2012**

written specification of the Council's requirements and the standard terms and conditions listed below:

- (a) For supplies: the Council's Standard Terms and Conditions for Supplies
- (b) For services: the Council's Standard Terms and Conditions for Services
- (c) Purchase order to be placed via the i-procurement system
- (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

- 8. Retain documents – all documentation to be retained in accordance with Rule 17
- 9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule H - Contract above £10,000,000** which is not subject to European procurement legislation advertising requirements (i.e. Part B services)

- 1. Pre tender Report – report to individual Member of CMT for approval unless an exception applies
- 2. Advertising – it shall be advertised in either the local press, specialist trade press, or national press as appropriate to the contract. A minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract
- 3. Process – Full tender – 2 stages
  - (a) competitive tender against written specification of requirements
  - (b) a minimum of 15 working days shall be allowed for tenders**
  - (c) a minimum of 3 tenders should be sought**
  - (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
- 4. Pre – award Report – there must be a report to Cabinet for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies.
- 5. Contract award - contract awarded by the Leader or Cabinet.

**Council, 28 March 2012**

6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
  - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
  - (b) For services: the Council's Standard Terms and Conditions for Services
  - (c) Purchase order to be placed via the i-procurement system
  - (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

8. Retain documents – all documentation to be retained in accordance with Rule 17
9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule I - Contract above £10,000,000** which is subject to European procurement legislation advertising requirements (i.e. contracts for supplies, EU Part A services and works)

1. Pre tender Report – report to individual Member of CMT
2. Advertising – it shall be advertised in the Official Journal of the European Community. A minimum of 37 calendar days shall be provided for expressions of interest in accordance with EU procurement legislation, except where the legislative requirements permit a shorter time scale. In addition there shall be at least 1 advertisement in either the specialist trade, local or national press, if appropriate to the contract.
3. Process– Full EU advertised competitive tender process
  - (a) competitive tender against written specification of requirements
  - (b) a minimum of 40 calendar days shall be allowed for tenders
  - (c) three tenders sought

**Council, 28 March 2012**

- (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
- 4. Pre – award Report – there must be a report to Cabinet for approval pre-award after the final evaluation of tenders by the evaluation team unless an exception applies.
- 5. Contract award - contract awarded by the Leader or Cabinet
- 6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
- 7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
  - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
  - (b) For services: the Council's Standard Terms and Conditions for Services
  - (c) Purchase order to be placed via the i-procurement system
  - (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

- 8. Retain documents – all documentation to be retained in accordance with Rule 17
- 9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule J – Government Procurement Service Framework Contracts**

- 1. Pre tender Report– report to the appropriate individual Member of CMT. If above the EU threshold
- 2. Advertising –it shall be notified to those suppliers accredited by the Government Procurement Service (GPS) as having been accepted as part of the GPS tender process A minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract
- 3. Process & contract award – Full tender – two stages
  - (a) competitive tender against written specification of requirements

**Council, 28 March 2012**

- (b) a minimum of 10 working days shall be allowed for tenders
  - (c) three tenders sought
  - (d) if below £173,934 contract awarded by Head of Service on report from 3rd or 4th tier manager or staff member authorised by Head of Service and financial representative of Member of CMT Finance & Commerce
  - (e) if between £174,000 and £5,000,000 contract awarded by an individual Member of CMT, if between £5,000,000 and £10,000,000 awarded by individual Cabinet member on a report from the relevant Head of Service
  - (f) if above £10,000,000 contract awarded by the Leader or Cabinet via a Pre-award Report
4. Award criteria – compliance with the evaluation criteria (usually set out in the framework documents) agreed prior to the dispatch of tender documentation
  5. Documentation - all such contracts shall have a written specification of the Council's requirements and the standard terms and conditions approved by the GPS for that particular contract
  6. Contracts over £100,000 to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.
  7. Retain documents – all documentation to be retained for in accordance with Rule 17
  8. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**Schedule K - Consortium Arrangements (where LBH is not a member)**

1. Pre-tender Report – report to individual Member of CMT for approval to use a consortium if above the EU threshold. Report to include details of the procurement process used by the consortium and confirmation that Havering's involvement will be within the terms of the consortium and will not breach European procurement requirements in addition to the standard requirements for such reports.
2. There should be a minimum of three suppliers to the consortium who can be invited to provide quotations for the goods or services
3. Award criteria - compliance with the evaluation criteria (primarily specification & price) either as set out in the consortium documentation or if none agreed prior to the dispatch of tender documentation
4. Pre-award Report – there must be a report to an individual Member of CMT if below £5,000,000, to an individual Cabinet Member (if



**Council, 28 March 2012**

£5,000,000 or more but below £10,000,000) or to the Leader or Cabinet (£10,000,000 or more) for approval after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27.

5. Documentation - all such contracts shall have a written specification of the Council's requirements and the standard terms and conditions of the Consortium for that particular contract
6. Contracts over £100,000 to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.
7. Retain documents – all documentation to be retained for in accordance with Rule 17
8. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

**STANDARDS OF MEMBERS' CONDUCT: CHANGES TO THE CONSTITUTION****Part 1: Summary of the Constitution**

Section 3 **amend** second paragraph to read:

Councillors have to comply with a code of conduct to ensure high standards in the way they undertake their duties.

Section 6 **omit** reference to Standards Committee

Section 8 in sub-paragraph (k) **replace** "Standards Committee" by "Monitoring Officer"

**Part 2: The Articles of the Constitution**

Article 3, section 3.0.1(c) **amend** to read "the Monitoring Officer if they consider that a Member has acted in breach of the Code of Conduct"

Article 9, section 9.08 **amend** reference to the Standards Committee to read

- the Adjudication & Review Sub-Committee when it is conducting an investigation or hearing;

**Part 3: Responsibility for Functions**

Section 1.2, Table of Functions: Committees

Governance Committee

under "Appointments and dismissals" – **omit** reference to interviewing and appointing candidates for appointment as Independent Person for the Standards Committee

**add** new sub-heading "Members' conduct" and **insert** below it

**General**

- To promote and maintain high standards of conduct by the members and co-opted members of the authority
- To assist members and co-opted members of the authority to observe the authority's code of conduct
- Through the Standards Sub-Committee, to hear, determine and report upon any allegation of breach of the code of conduct, including the application of any permitted sanction

Council, 28 March 2011**Members' code of conduct**

- To advise the authority on the adoption or revision of a code of conduct

**Guidelines for members in dealing with staff**

- To advise the authority on the adoption or revision of the Guidelines on members dealing with staff

**Protocol on probity in planning**

- To advise the authority on the adoption or revision of the Protocol on Probity in Planning

**Whistleblowing Policy and Procedure**

To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet

Standards Committee - **Delete** the whole entry

Section 1.2, Table of Functions: Sub-Committees

Standards – **Delete** existing entry

Appointments Sub-Committee – Add new bullet point “To make recommendations to Council about the appointment of Independent Persons for Standards matters”

Adjudication & Review Sub-Committee - Add new section “Members’ conduct - To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanction, if any, to be applied in consequence of a finding that the Code has been breached”

Hearings Panels - Add new section “Members’ conduct - To deal with complaints about breaches by Members of the Code of Conduct”

Section 3 Functions delegated to staff

In (aa) Committee Administration and Member Support Manager **amend** the words beginning at line 4 to read “Adjudication and Review Committee and Licensing Committee: including but not limited to”

Section 6 Proper officer functions: Functions of Statutory Officers

**Amend** 2 Functions of the Monitoring Officer, section (c) to read:

To conduct investigations as directed by the Adjudication & Review Sub-Committee (or its Hearings Panel) into alleged breaches by members of the code of conduct and to report upon them to the Sub-Committee. This function will also be carried out by Deputy Monitoring Officers.

Council, 28 March 2011

## Part 4: Rules of procedure

### ACCESS TO INFORMATION PROCEDURE RULES

In rule 1, **delete** “, and the Standards Committee (England) Regulations 2008”

In the Appendix:

**Amend** the italicised heading above section 3 to read:

***The provisions of this legislation are modified in their application to meetings of the Cabinet as follows:***

**Delete** the whole of section 4

### COMMITTEE PROCEDURE RULES

In rule 7(c), **amend** second paragraph to read:

This rule shall not apply to meetings of Hearings Panels, the Licensing Sub-Committee or the Standards Sub-Committee, or where the rules of natural justice, human rights and compliance with the Members’ Code of Conduct or similar legal principles prevent a Member from attending.

### COUNCIL PROCEDURE RULES

In rule 1, part 2(i) **delete** “, the Standards Committee”

In rule 2(h) **delete after** “and from the Member Champion for Standards”, the words “in respect of the Standards Committee”

**Note:** recommendations for changes in the following protocols will follow when proposals for the new Code of Conduct are submitted:

Protocol on gifts and hospitality

Protocol on member/officer relations

Protocol on probity in planning matters

Staff code of conduct

**MEMBERS' QUESTIONS**

**Note:** Questions 1 to 8 were answered at the meeting. In accordance with Council Procedure Rule 10.6(a); the remainder were treated as if put for written answer

**1 DISRUPTION CAUSED BY STREETWORKS****To the Cabinet Member for Environment (Councillor Barry Tebbutt)**

By Councillor John Mylod

Learning from the chaos over the last several months in various areas of Hornchurch, would the Cabinet Member:

- a) give assurance that in future, early consultation with the appropriate ward Councillors takes place ahead of any planned works; prior to other stakeholders.
- b) ensure that **all** Councillors are notified when emergency works are necessary, detailing relevant work, affects (such as diversion) and timescales.

**Response**

- a) *Give assurance that in future, early consultation with the appropriate ward Councillors takes place ahead of any planned works; prior to other stakeholders.*

All the statutory utility companies have a legal right to update and modernise their equipment as required. The Council cannot prevent such works taking place, but can influence the timing.

Streetcare hold quarterly liaison meetings with the companies regarding street works proposals, and in the case of the Hornchurch Town Centre works Regeneration staff have also been attending these meetings due to the major works proposed in the High Street. The utility companies agreed that they would bring any major essential works forward so that they were completed before the High Street project was implemented. The benefit of that approach is that there will then be a five year period when the town centre is free of all but emergency utility works. There were however major works which the utility companies insisted were necessary.

All planned works by the utility companies require them to notify the Council. Last year there were in excess of 30,000 such notifications, excluding the notifications for LBH works. StreetCare officers do notify Ward Councillors of works that take place that have the potential for major or prolonged disruption, although at present they do not notify all Councillors of all planned works.

- b) *Ensure that **all** Councillors are notified when emergency works are necessary, detailing relevant work, affects (such as diversion) and timescales.*

Emergency works undertaken by the utility companies are for situations where there is a gas leak, burst water main, or collapsed sewer for example. In these circumstances it must be the priority of the utility to make safe their apparatus, and under the terms of the New Roads and Street Works Act the utility companies have two hours in which they must notify the local authority. In these cases, works to failed apparatus takes place first, and notification to the

**Council 28 March 2012**

authority second meaning that officers are not in a position to notify Councillors immediately of the works.

There are thousands of emergency notices issued each year in Havering, and to notify all Councillors of each notice would be impractical.

Details of all notices issued, for both planned and emergency works, are available on the London Works website, and there is a link to this site from the Havering website should Councillors wish to be informed of all works undertaken in the borough.

In response to a supplementary question, the Cabinet Member indicated that revised notification arrangements were currently being discussed with Transport for London and other London authorities, which were likely to be implemented in late 2012, and which might facilitate the sort of notification of planned works sought by the questioner.

## 2 **PRIMARY SCHOOL PROVISION IN HAROLD HILL**

### **To the Cabinet Member for Children & Learning (Councillor Paul Rochford)**

By Councillor Paul McGeary

In view of the rise in the birth rate and the proposed housing developments in Gooshays and Heaton Wards what are the Administration's plans to expand primary school provision in Harold Hill?

### **Response**

Discussions are underway with Mead Primary School about the need for extra capacity for this school to take additional Reception Year pupils this coming September, as a 'bulge', in anticipation of a possible formal expansion at the school which would be required the year after.

There is likely to be a further need for places in September 2013 and discussions are almost finalised with other schools who have expressed an interest in expansion.

We believe that the plans described above will provide for the immediate future requirements for primary school places on Harold Hill. Beyond that, i.e. 2014/15 onwards, it is likely that new school provision for Harold Hill, and indeed for the Borough as a whole, will be met either by existing Academy sponsors expanding existing provision or by new Academy and Free School sponsors coming forward to establish new schools or indeed by a combination of these approaches.

We are keeping matters constantly under review, both in terms of the rate at which overall demand is increasing and of the interest already being shown by potential new school promoters whose involvement in the changing 'schools scene' could well have an impact on the Council's own plans for expanding existing provision.

In response to a supplementary question, the Cabinet Member gave assurance that there would be detailed planning for the future provision of places but not that the questioner would be involved in doing that.

**Council 28 March 2012****3 USE OF CCTV CAR FOR PARKING ENFORCEMENT****To the Cabinet Member for Environment (Councillor Barry Tebbutt)**

By Councillor Jeffrey Tucker

Obstructive and long term parking in our smaller shopping centres and Parades should be deterred, but the CCTV car continues to act against the interests of local residents and shopkeepers by penalising motorists who stop for short periods to load and shop.

Will the Administration issue new guidelines to ensure the CCTV car is used to assist local residents and shopkeepers, rather than simply as a "cash cow" for the Council?

**Response**

The Council operates CCTV Parking Enforcement according to its Code of Practice which is approved by London Councils. Additionally, The Council's Civil Enforcement Officers undertake such enforcement in accordance with the Traffic Management Act 2004.

Local business vitality is important and the Council's Traffic & Parking Control (T&PC) service endeavour to support local areas such as Rainham and the boroughs other satellite towns by ensuring that traffic flows safely and through the availability and management of parking places for local business customers and deliveries.

In the majority of cases a Penalty Charge Notice (PCN) will not be issued within 3 to 4 minutes where a parking contravention is allegedly taking place. Where a Pay and Display payment is required then up to 5 minutes is felt to be reasonable amount of time to purchase a ticket and display it. Some PCNs are issued "instantly" but these are generally for parking contravention that are serious such as zebra crossings, school zig zags and where a loading ban is in place (That list is not exhaustive); parking contraventions where an exemption or a fee may apply are not ordinarily enforced using CCTV and so a period of observation or opportunity to purchase will be given.

Traffic & Parking Control do not use parking enforcement as a cash cow and that fact is supported by the fact of this Council being either bottom or within the bottom three of the 33 parking enforcement authorities in London annually.

In response to a supplementary question, the Cabinet Member gave assurance that the staff operating the CCTV car were appropriately qualified. He undertook to provide the questioner with details of the staff and their qualifications provided there was no legal impediment to his doing.

**4 PAYMENT OF TRADE UNION REPRESENTATIVES****To the Leader of the Council (Councillor Michael White)**

By Councillor Ray Morgon

Would the Leader confirm whether any union reps are paid for by the Council, along with a breakdown of those costs (e.g. FTEs)? In addition, can he give a projection of expenditure for the current financial year?

**Council 28 March 2012****Response**

Can I thank the Member for raising this issue? It gives me an opportunity to talk about how this Council works with its trade unions. We have very good relationships with them.

The current level of time off for Trade Union representatives paid for by the Council and projected 2011/12 costs are shown below.

<b>Trade Union Role</b>	<b>FTE</b>	<b>2011/12 Projected Cost</b>
Unison Branch Secretary	0.8	£26,808
Unison Representative	0.6	£23,887
Unison Representative	0.5	£14,985
Unison Representative	0.2	£5,606
GMB Branch Secretary	1.0	£21,951
GMB Representative	1.0	£30,885
GMB Representative	1.0	£31,739
<b>TOTAL</b>	<b>5.1</b>	<b>£155,861</b>

In response to a supplementary question, the Leader of the Council pointed out that the Council was working hard with the trade unions on delivering the required savings but gave assurance that he would, in due course, review the level of support given to the trade unions and report back to the Council upon it.

**5 PROVISION OF FOOTBALL PITCHES****To the Cabinet Member for Individuals (Councillor Steven Kelly)**

By Councillor Denis O'Flynn

Will the Cabinet Member make a statement about the proposed re-provision of football pitches from the land forming part of Central Park, Gooshays Drive (to the rear of the Albermarle Youth Club) to either the land at Broxhill or Dagnam Park?

**Response**

The two football pitches that form part of the Albermarle Youth Centre site will be re-provided.

At the Broxhill Centre, two pitches will be levelled and new drainage laid to create good quality playing surfaces. Additionally, works will be carried out to improve the changing facilities. The Romford Royals, who play at the Albermarle, will relocate to the Broxhill Centre.

At Dagnam Park, works will be carried out to provide two new pitches. Changing facilities will be provided in association with the Drapers Academy, which are part of the new-build school development currently nearing completion.

In response to a supplementary question, the Cabinet Member confirmed that work on the pitched would begin in the near future, funding was in place and there would be time for the pitches to settle to be available for use for the 2013/14 season. Next season's games, ending in spring 2013, will be played at the Albermarle.



**Council 28 March 2012****6 INGREBOURNE HILL - LANDFILL****To the Cabinet Member for Individuals (Councillor Steven Kelly)**

By Councillor Michael Deon Burton

Exacerbated by public disquiet and exposé in the press, e.g. 'Yellow Advertiser Newspaper 29/2/12', many residents have concerns as to whether this Council has advanced the complete truth about Agenda item 10, Cabinet Report of 16:11:11 (the wanted intention to deposit other people's waste in a local South Hornchurch park) or if it is indeed 'hit and miss' as to whether they will be provided with the truth when asking important questions.

Unsurprisingly, residents in the South of the Borough have started to question the probity, integrity and whole truthfulness supporting the claim as advanced in agreement with Ingrebourne Valley Limited, that the driving force behind this proposal is the want to "provide a more interesting profiled and managed forested/wetland",

- 1 As an intended partner, in a venture described in such green environmental terms, does the Council know who owns Ingrebourne Valley Limited. Yes or No?
- 2 Who are and what is the primary registered description of the owners..?

**Response**

The Cabinet Report of 16<sup>th</sup> November 2011 referred to by the questioner, was a lengthy and very detailed report to ensure that all aspects of this proposal were available for consideration by Members when the decision was taken. In due course a planning application will be submitted which will be available for public consultation in the usual way.

The proposal is to extend the existing Ingrebourne Hill which has already been created by Ingrebourne Valley Limited on adjoining land. After completion of the extension works the land will be planted and it is proposed that the Council's land will be managed by the Forestry Commission, which already manages the existing Ingrebourne Hill. The landform will be created from inert materials under licence from the Environment Agency in the same way as the existing Ingrebourne Hill was created.

Ingrebourne Valley Limited is a joint venture between various companies. This includes Ahern Waste Management & Recycling - the Pryor Group, which is an earthmoving and civil engineering group - and RJD Limited which specialises in reservoir construction and minerals.

Ingrebourne Valley Limited specialises in restoration projects and has completed a number of schemes in the local area. Its association with the Forestry Commission in providing high quality public parkland has already worked successfully and the Forest Commission website describes the recently created Ingrebourne Hill as follows:

**A great site – a gentle hill fringed by the Ingrebourne River and its reedbeds to the east and lakes to the south, offering brilliant views across the Thames from its centre, with play areas and gentle paths to the west. Walk the dog or jog, ride your horse or mountain bike, picnic or play, or just relax. You can do it all at Ingrebourne Hill. There's a great deal to look out for. Whether it's mountain bikes hurtling around the specially built track, spotting distant sights from its viewing point, taking in relaxing views whilst picnicking beside the lake, overseeing children playing in the scramble area, or just observing the wildlife.**

**Council 28 March 2012**

The site attracts an average user rating of between 4.5 and 5 (with the top mark being a 5).

In response to a supplementary question, the Cabinet Member re-affirmed that Ingrebourne Valley Limited was not a gravel extraction company and there no plans whatsoever to extract gravel from Ingrebourne Hill nor was there any proposal to dump refuse or decomposable material or other substances that would affect air quality or the environment. The people of South Hornchurch would benefit from a site already considered to be near-perfect.

**7 FREQUENCY OF STREET SWEEPING****To the Cabinet Member for Environment (Councillor Barry Tebbutt)**

By Councillor Ray Morgon

Would the Cabinet Member explain how cleaning streets is one of Administration's top priorities when in 2002 the majority of streets were swept once a week, and now they are only swept every three weeks?

**Response**

As Cllr Morgon will be aware, we have just launched the Spring Clean Survey which asks people to identify the cleanliness issues in their local area. This will help us target our resources even more effectively to keep the Borough clean and tidy

Keeping the streets clean and tidy is about more than just sweeping them; it's also about working with local people and local businesses to reduce littering, providing bins in the right places and targeting the areas that need additional resources.

Town Centres, transport hubs, and shopping areas continue to be swept on a daily basis, and other areas are swept weekly, fortnightly, and in some, mainly residential areas, sweeping occurs every three weeks, based on our knowledge of local needs. The Spring Clean Survey will add to this local knowledge, and allow residents to tell us of their priorities.

Areas such as very busy industrial areas are mechanically swept weekly, and there are two weekly schedules for areas such as trunk road footways and busy residential roads

Back in 2002, when my predecessor was in post, there was priority for double-shifting and there was some sweeping every day. That was when our depot was down at Purfleet. As you will be aware, we now have our more modern facilities in Upper Rainham Road and also Harrow Lodge. That re-siting allows us to double-shift and prioritise our work within areas, reducing mileage by some 250,00 miles a year.

In response to a supplementary question, the Cabinet Member confirmed that shopping centres and the like were swept daily, that trunk and other busy roads were swept weekly and other areas were swept on a three-weekly cycle.

**Council 28 March 2012**

**8 ENCOURAGING DISABLED PEOPLE TO TAKE UP SPORT**

**To the Cabinet Member for Culture, Towns & Communities (Councillor Andrew Curtin)**

By Councillor Denis Breading

What initiatives will the Administration take to encourage more disabled people in Havering to take up sport?

**Response**

The Administration has always viewed greater inclusion of people with disabilities in all aspects of Culture, including sport and physical activity, as a key part of ensuring a better society.

We should, of course, bear in mind that people with disabilities do not necessarily form a homogeneous whole, and there may be great diversity of interests marking people with sensory impairments out from those with learning disabilities or physical disabilities, for example.

Much work has been done to improve access to sport and physical activity for people with disabilities since 2002. Future initiatives can be divided into five main areas;

1. Further strengthening the voice of people with disabilities in shaping the future of sport in Havering.
2. Maximising the efficiency of joint working between the Council's Cultural Services Department and agencies dealing specifically with people with disabilities in both the public and charitable sector, and the Shadow Health and Wellbeing Board.
3. Continuing to expand the number of facilities accessible to people with disabilities.
4. Training to ensure that clubs and facilities providers are better able to benefit from the talents and interest of people with disabilities.
5. Support for elite level disability sports people.

To pursue these goals the following initiatives will be undertaken;

- To strengthen the voice of people with disabilities in sport and physical activity we will reconvene the Disability Sport Steering Group as the Inclusive and Active Steering Group, with more emphasis on inclusion.

Inclusive and Active sport and exercise opportunities for people with disabilities, including the chance to participate in some Paralympic Sports.

A third annual Culture and Disability Forum will be held this year. The forum seems well regarded by people in the disability sector as a way of pursuing greater inclusion refers to the Mayor of London's "Inclusive and Active 2" strategy, which Havering has committed to. The strategy aims to increase opportunities for disabled people to take part in sport and physical activity and is co-owned by the Greater London Authority, NHS London and Interactive.

- The Disability Sport Steering Group has existed for a number of years and has brought together sports people with disabilities and sports providers from the public, charitable and club sectors. Among its achievements has been the establishment and development of the annual Havering Active for All Day, which showcases and promotes and participation, and brings together people from the disability sector, providers in the Culture sector (including sport), representatives from social care and health agencies,

**Council 28 March 2012**

and the charitable sector.

- To strengthen links between the sports sector and agencies working with disabled people, the borough's second Culture Strategy will contain a cross-cutting commitment to inclusion. The strategy has been widely consulted on, including presentations at the 2011 Culture and Disability Forum and Havering Sports Council. It will establish Health and Wellbeing as a key priority and, combined with its commitment to Inclusion, this is intended to support measures to further refine joint working between all agencies with an interest in promoting sport and exercise opportunities, among other aspects of Culture, for people with disabilities.
- The number of accessible sports facilities in the borough will be increased by the planned new swimming pool, ice rink and gym in Romford. The borough has an award-winning commitment to inclusive design at its sports centres, having worked closely with representatives from disability groups on the development of Central Park Leisure Centre, and on inclusive changing facilities (including for adults with complex multiple disabilities) and equipment accessible by people with visual impairments at Hornchurch Sports Centre. This approach will be continued in the planned new centre in Romford, taking advantage of the latest thought on the matter and working with representatives from the disability sector.
- The company Sport and Leisure Management who run the Council's three sports centres will seek Inclusive Fitness Industry Accreditation for Hornchurch Sports Centre, and have already achieved it for Central Park Leisure Centre.
- The new PlayFootball five-a-side football centre in King George's Playing Fields in Romford will provide a fully accessible pavilion and opportunities for all to participate in playing football. All schools, including special schools will be able to use the facilities free of charge during the school day. The Health and Sports Development Team have access to pitches at certain times for community use. These will include sessions for people with disabilities either new to the sport, or those that already participate but need a quality venue to train.
- Children's play facilities in parks are an important way for children to exercise, and we have pursued a programme of installing equipment suitable for children with physical disabilities over recent years, and have worked with Corbets Tey School to install equipment which will enable children with learning disabilities to play. We hope to consider ways of improving access for children with Autism, and improving the information available to parents and carers of children with disabilities about play, toilet and changing facilities suitable for them in parks in the borough. It seems clear to us that little will contribute better to a more inclusive society in the future than all children playing together now.
- To promote training to increase the inclusion of people with disabilities in sport we will encourage providers (including clubs and voluntary organisations) to undertake disability awareness training specific to sport and physical activity, and will offer that training for free where we can.
- To enable disabled sports people to flourish at the elite sports level, we will continue to ensure that the Havering Talented 30 scheme for outstanding young sports people and artists - run in partnership with Havering College of Further and Higher Education - is operated in an inclusive way, and we will continue to support Havering Sports Council in

**Council 28 March 2012**

ensuring that their excellent Annual Sports Awards are fully inclusive, something which was perfectly demonstrated by the winners of this year's awards. We will work with Havering Disabled Sports Association to offer "taster" sessions in a variety of sports. We will take full advantage of the opportunities offered by the new Havering School Sports Collective (one of only ten such organisations in the country) to promote further inclusion in sport and dance for children and young people with disabilities, and ensure that as many Havering young disabled sports people as possible have the opportunity to take part in local competition and represent Havering in the new London School Games, the Balfour Beatty London Youth Games, and Panathlon.

**9 PENSIONS COMMITTEE: REQUIREMENT FOR MEMBER TRAINING****To the Leader of the Council (Councillor Michael White)**

By Councillor David Durant

The March 14<sup>th</sup> Governance committee recommended that Pension Committee Members and substitutes must undertake compulsory training or be debarred from the Committee!

This is anti-democratic because Members are elected by the voters and should not be debarred from any Committees.

Also it is misguided, because it is based on a misconception that compulsory training will improve decision making. Training may help some Members, but other Members have already had training in the real world and gained a wealth of common sense which they contribute to committee meetings. Indeed, excluding Members with common sense will undermine decision making.

For example, was the decision to gamble £12.5 million in the Icelandic Banks due to a lack of training or common sense?

Therefore Cllr Michael White, do you agree that compulsory training for Members is anti-democratic, misguided and counter-productive, particularly as not all of us have the time, or want, to be professional politicians?

**Response**

I do not agree with the questioner's suggestion that a requirement to be familiar with the subject that one is reaching decisions about, especially in an area as technical as investments and pensions, is "anti-democratic, misguided and counter-productive". Quite the opposite in fact.

The days of the "gifted amateur" approach to decision making are long gone and, in fact, the Council would quite rightly be open to considerable criticism if it left decision-making to Members who were unaware of the context of their decisions, and made no effort to provide them with appropriate training (which is readily available and is organised by officers). Our residents have a right to expect that their elected representatives are able to make informed decisions on how their council tax money is spent.

Members receive a reasonable allowance for their work as Members, which is intended partly to compensate them for loss of earnings when they give priority to Council work over other forms of income.

**Council 28 March 2012****10 SAFER NEIGHBOURHOOD TEAMS - vacancies****To the Cabinet Member for Community Safety (Councillor Geoff Starns)**

By Councillor Linda Van den Hende

Can the Cabinet Member inform me how many vacancies, in each rank, there are in each of the Havering Safer Neighbourhood Teams?

**Response**

Assuming the model of 1 Police Sergeant, 2 PCs and 3 PCSOs (apart from Gooshays which is a "Super Ward" and has a model of 1-2-6):

- Gooshays is missing 3 PCSOs
- Mawneys , Harold Wood , Heaton ,Cranham ,Hylands and Emerson Park are all carrying 1 PCSO vacancy
- Cranham is carrying vacancies for 2 PCs
- Elm Park is carrying a vacancy for 1 PC
- In summary, the SNTs are carrying 3 PC vacancies and 9 PCSO vacancies

These figures do change from time to time.

**11 MY PLACE****To the Cabinet Member for Children & Learning (Councillor Paul Rochford)**

By Councillor Pat Murray

When will the 'MyPlace' facilities open for public use? Will he make a statement about the proposed programme of activities to be organised from it?

**Response**

I am delighted to report that MyPlace is on track to open to the public on June 11th. There will be a programme of activities in place from the outset including a range of activities for young people as well as for the wider community. Details of opening times and planned activities will be publicised after Easter.

**12 ABOLITION OF HOMES IN HAVERING****To the Cabinet Member for Housing (Councillor Lesley Kelly)**

By Councillor Mark Logan

Abolishing the ALMO will make it more difficult to remove Council tenants' security of tenure and to impose the compulsory privatisation of Council Housing. However can the Administration confirm that this move is not just a cost cutting exercise, but will improve the delivery of housing services to council tenants?

**Council 28 March 2012****Response**

Councillor Logan is mistaken in his understanding of the structure of the Arms Length Management Organisation (Homes in Havering). The establishment of the ALMO made no difference to the security of tenure of any council tenant. Tenants remained tenants of the Council, before the establishment of the ALMO, during the time that Homes in Havering managed the service, and they will continue as council tenants with the same security of tenure after the service is brought back in house. It is also not the case, that the establishment of an ALMO can be seen in any way as a privatisation of council housing. When the service is managed by the Council or the ALMO, the housing management service remained a public service, wholly owned by the Council.

We do expect to make savings as a result of the decision to bring the service back in house. In the consultation material that we sent out, we said that the savings were likely to be a minimum of £300,000. However, we expect to make these savings by removing duplication between the Council and Homes in Havering. We do not expect the service standards to be reduced. We fully expect to build on the improved standards of housing management that Homes in Havering have achieved, and indeed, to continue to improve on them in the future.

**13 SPITTING****To the Leader of the Council (Councillor Michael White)**

By Councillor Clarence Barrett

Would the Leader agree that spitting in a public place is an unwelcome habit and will he consider following the example set by the London Borough of Enfield who are seeking to establish a bye-law to ban spitting in public?

**Response**

Spitting in a public place is a disgusting habit and I would like to announce this evening that this Administration plans to apply to bring in a bye-law to ban spitting in public.

**14 THE FUTURE OF COUNCIL HOUSING MANAGEMENT IN HAVERING****To the Cabinet Member for Housing (Councillor Lesley Kelly)**

By Councillor Paul McGeary

Will the Cabinet Member make a statement about the outcome of the recent Tenants' consultation relating to the future of Council housing management in Havering?

**Response**

I am happy to make a statement about the outcome of the recent Tenants' consultation on the future of the Council's housing management service.

The Council has spent time between October 2011 and January 2012 raising awareness amongst tenants of the consultation on the future of the housing management service.

**Council 28 March 2012**

There were 35 public meetings, including discussions at the Annual Tenants and residents Conference in October 2011

Articles were placed on the Council's website, and in Living Magazine, and in the Homes in Havering magazine, At the Heart

In January, the Electoral Reform Society (ERS) were appointed to carry out the test of tenant opinion.

The results were that 39.4% of tenants and residents expressed their views

- 48.3% stated that they preferred the Council to provide the housing management service
- 32.1% expressed the view that they would prefer Homes in Havering to continue to provide the service
- 19.6% stated that they did not mind who provided the housing management service

We also invited Homes in Havering to express a view about the future of the service. They have done this, and accepted that the views of the tenants and residents are that the tenants and leaseholders would prefer the service to be provided by the Council

In conclusion, this was a full consultation exercise, with a good turnout and a clear result

I am therefore pleased to say that Cabinet, have accepted my recommendation that the service is brought back in house, and that officers have been instructed to take the necessary steps to achieve this result

I would like to express my thanks to Homes in Havering for all their work over the past five and a half year in improving the housing service

I am committed to maintaining the quality of the service, and to involving tenants and leaseholders in the decisions about the service in the future

**15 HIGHWAY IMPACT ASSESSMENT**

**To the Cabinet Member for Community Empowerment (Councillor Robert Benham)**

By Councillor Michael Deon Burton

If the Council undertakes a Highway Impact Assessment (HIA) before or after planning applications are submitted, or for any other reason, will local ward councillors be informed and provided with the criteria being used to undertake the HIA. In particular will the HIA consider the environmental impact too?

**Response**

The Council does not undertake a Highways Impact Assessment and as far as we are aware, there is no such methodology in use in the UK.

There are Transport Assessments (TA's) and Transport Impact Assessments (TIA's) routinely in use, but they would be submitted by the applicant as part of a planning application. TAs are used for smaller, simpler schemes and TIAs on larger complicated schemes.



**Council 28 March 2012**

It is for the applicant to demonstrate how their development fits in with the Council's policies and Highways staff will review the submissions against policy and comment in line with policy.

In terms of ward councillor involvement, they are able to comment on the TAs and TIAs as part of any planning application as they would form part of the developer's submission.

In terms of environmental assessment, TAs and TIAs are not specifically designed for such a purpose.

**16 EXCEEDING THE 20mph LIMIT**

**To the Cabinet Member for Environment (Councillor Barry Tebbutt)**

By Councillor Barbara Matthews

Since April 2010 how many penalties have been issued for exceeding the speed limit in 20mph zones?

**Response**

This question does not apply to the Council as only the Police Service can enforce speed limits and restrictions.

**17 LAMP-POST BANNERS IN UPMINSTER TOWN CENTRE**

**To the Cabinet Member for Environment (Councillor Barry Tebbutt)**

By Councillor Linda Van den Hende

Further to the question at September Council, would the Cabinet Member confirm:

- a) the total cost of installing lamp-post banners in Upminster Town Centre?
- b) the annual income budget?
- c) what income has been generated since the installation?

**Response**

- a) There is no cost to the Council for installation. These costs met by the supplier
- b) Income is £100 per site and we have 28 in Upminster so a total of £2800 per annum
- c) No income has been generated as yet as we have only just signed the contract.

**18 PAYMENTS TO LOBBYISTS**

**To the Cabinet Member for Value (Councillor Roger Ramsey)**

By Councillor Ray Morgon

Would the Cabinet Member confirm if any Council funds have been paid to lobbyists over the past five years?

**Council 28 March 2012****Response**

Having made enquiries of relevant officers, I am not aware of any instances where the Council has retained the services of lobbyists over the past five years.

19 **LATE NIGHT LEVIES****To the Cabinet Member for Community Safety (Councillor Geoff Starns)**

By Councillor Ray Morgon

Would the Cabinet Member confirm what the Administration's view is on late night levies on pubs and clubs in Havering?

**Response**

The enabling legislation for this function has not been introduced yet. Discussions are nevertheless underway with the Police and a report will be taken to the Licensing Committee in due course.

20 **INTERPRETER AND TRANSLATION SERVICES****To the Cabinet Member for Value (Councillor Roger Ramsey)**

By Councillor Nic Dodin

Would the Cabinet Member confirm how much was spent on interpreter and translation services in each of the past three financial years?

**Response**

The Council is committed to providing fair, inclusive and accessible services to our customers. As part of this commitment we use translation and interpreting services in order to:

- Meet our legal duties (e.g. Children Services – child protection and child safeguarding cases), and
- Communicate with customers whose first language is not English and customers with specific needs such as Deaf people who use British Sign Language and/or Lip Reading.

The approximate costs for use of these services by Children's Services are in the region of £60-£70k a year for the last 3 years, so approximately £200k in total. A corporate contract has also been in operation, managed by Culture & Community Services, total spend over the last 3 years was approximately £23k.

A corporate contract has also been in operation, managed by Culture & Community Services, for which the total spend over the last 3 years was approximately £23k.

Having made enquiries of relevant officers, I am not aware of any other spending on translation and interpretation services over the last three years.

**Council 28 March 2012**

**21 EMPLOYMENT OF PRIVATE INVESTIGATORS**

**To the Cabinet Member for Community Safety (Councillor Geoff Starns)**

By Councillor John Wood

Would the Cabinet Member confirm whether the Council has employed any private investigators in the last four years and if they have, what was the annual cost and what financial benefit did it achieve?

**Response**

The Council does not use private investigators.

**22 COMPLIANCE WITH DATA PROTECTION ACT**

**To the Leader of the Council (Councillor Michael White)**

By Councillor Ray Morgon

Would the Leader of the Council confirm how he ensures that all parts of the Data Protection Act are complied with by the Council?

**Response**

The Council's compliance with the requirements of the Data Protection Act is a matter for the Corporate Management Team and Heads of Service.

**23 COMPLAINTS ABOUT INDIVIDUAL SCHOOLS - monitoring**

**To the Cabinet Member for Community Empowerment (Councillor Robert Benham)  
(to be answered by the Cabinet Member for Children and Learning – Councillor  
Paul Rochford (by arrangement))**

By Councillor Ray Morgon

Would the Cabinet Member confirm how he monitors complaints made about an individual school?

**Response**

All general complaints in relation to schools are dealt with in the first instance by the school's governing body.

The 2002 Education Act determined that all governing bodies must have complaints procedures in place and must have regard to guidance given by the Secretary of State. Only if the complaint owner is unhappy with the outcome from the governors' complaint process would the LA be involved. If the LA is required to be involved the LA would undertake an investigation

In relation to the LA's statutory duties or powers, procedures are in place to deal with such issues as child protection.

These procedures are undertaken by a variety of teams across Children's Services depending upon the particular issue being brought to officers' attention.

**Council 28 March 2012**

The lead member is kept apprised of progress in all matters relating to his statutory duties as lead member for Children's Services through regular briefings with officers.

**24 COUNCIL STAFF: PAYMENT OF BONUSES, AND AS LIMITED COMPANIES**

**To the Cabinet Member for Transformation (Councillor Michael Armstrong)**

By Councillor Ray Morgon

Would the Cabinet Member confirm whether any members of council staff receive bonuses and are paid as limited companies?

**Response**

No members of Council staff receive bonuses or are paid as limited companies.

**25 RECORDED CRIMES IN HAVERING**

**To the Cabinet Member for Community Safety (Councillor Geoff Starns)**

By Councillor Ray Morgon

Would the Cabinet Member confirm the number of recorded crimes in Havering under the various categories of crime for the years ending 2008, 2009, 2010 and 2011?

**Response**

The numbers of recorded crimes are as follows. They are recorded per financial year and not calendar year. There is also an element of double counting, since some crimes will have been recorded more than once, in different categories. This is unavoidable if a true picture is to emerge.

**Council 28 March 2012**

	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
<b>Total Notifiable Crime: actual</b>	<b>17210</b>	<b>18025</b>	<b>17147</b>	<b>17575</b>
Violence With Injury Offences	<i>Classifications changed direct comparison not possible</i>	1584	1562	1597
Assault with Injury Offences		1361	1322	1362
Most Serious Violence Offences		221	244	233
Common Assault Offences		664	766	938
Offensive Weapon Offences	122	133	80	79
Sexual Offences	133	179	228	218
Robbery Offences	312	341	347	417
Robbery Personal Offences	266	277	297	370
Robbery Business Offences	46	64	50	47
Burglary (res) Offences	1101	1500	1882	1635
Burglary (non-res) Offences	1119	1011	908	689
Motor Vehicle Crime Offences	2742	2712	2030	2498
Theft/Taking Of MV Offences	1148	1137	816	930
Theft From MV Offences	1594	1575	1214	1568
MV Interference & Tamp Offences	122	159	101	142
Theft From Person Offences	358	443	557	440
Criminal Damage Offences	2927	2773	2287	2137
Tier 2 Serious Acquisitive Offences	4155	4553	4259	4550
Serious Sexual Offences	95	125	162	162
Racially & Religiously Aggravated Offences	128	145	164	146
Serious Youth Violence	<i>Did not exist in 07/08</i>	141	139	159
Youth Violence		584	555	545
Gun Crime Offences	31	41	44	45
Knife Crime Offences	172	203	205	222
Theft Of Pedal Cycles Offences	122	143	146	175
Theft From Shops Offences	1157	1418	1448	1203
Possession Of Drugs Offences	1134	958	865	1049
Other Theft Offences	1725	1781	1949	2016
Other Drug Offences	2	1	1	1
Murder Offences	3	1	1	1
Handling Stolen Goods Offences	59	48	26	43
Drug Trafficking Offences	32	60	95	104
Drugs Offences	1168	1019	961	1154
Child Sex Abuse Offences	30	37	56	51
Cannabis Production Offences	0	26	42	37
Fraud or Forgery Offences	902	1170	698	910
Harassment Offences	609	646	870	994
Other Violence Offences	138	109	122	105

**Council 28 March 2012****26 STAFF AND SALARIES - TOTALS****To the Cabinet Member for Transformation (Councillor Michael Armstrong)**

By Councillor Ray Morgon

Would the Cabinet Member confirm the number of FTE's and total salary bill, including agency staff, during the financial years ending 2009, 2010, 2011 and 2012.

**Response**

The relevant information is shown below

<b>Year</b>	<b>Employee FTE</b>	<b>Employee Payroll Costs Total</b>	<b>Agency Worker Headcount</b>	<b>Agency Worker Costs Total</b>
2008/9	2221.67	£79,617,210	560	£14,324,813
2009/10	2320.64	£80,869,370	575	£14,790,880
2010/11	2321.86	£82,740,761	580	£15,934,333
2011/12	2187.45	£84,876,213	530	£13,147,675

Note:

- Employee FTE and Payroll Costs exclude schools employees
- Employee FTE figures are as at 31 March each year except 2011/12 where figure is as at 23 March
- Employee Payroll Costs include National Insurance and Pension costs
- Agency Worker Headcount is an average of the 12 monthly averages during each year

Havering Council uses Agency Workers for a number of reasons including covering short term assignments or where specialist skills are needed that are not available in house.

With all of the restructures that have been undertaken over the last two years, managers will have used Agency Workers on short term temporary assignments to cover roles during those restructure processes. These are then immediately available as redeployment opportunities for employees who are redeployed so that the costs of redundancy are minimised to the Council.

We are currently reviewing all of the Agency Worker assignments and Heads of Service are being asked whether these roles can now be filled by permanent employees (which will include redeployees), an employee being recruited permanently to the role or whether the role is no longer required.

**27 POLICE IN HAVERING - NUMBERS****To the Cabinet Member for Community Safety (Councillor Geoff Starns)**

By Councillor Ray Morgon

Would the Cabinet member confirm the number of police officers based in Havering, split between the different ranks, and confirm the minimum number of officers available at anyone time to deal with 999 calls?

**Council 28 March 2012**

**Response**

Chief Superintendent -1  
Superintendent - 1  
Chief Inspector (inc Detective) - 4  
Inspectors - (inc Detectives) - 19  
Sergeants (inc Detectives) - 68.9 (FTE)  
Constables (inc detectives) - 261.27 (FTE)

Total: 355.17 (FTE)

Safer Transport officers are additional to the above numbers:

Sergeants: 3  
Constables: 21

Patrol Teams (Emergency Responders) have a **minimum** strength as follows:

Early Turn: (0700-1500) - 1 insp, 1 sgt and 10 constables.  
Late Turn: (1400 - 2300) - 1 Insp, 1 sgt and 14 constables.  
Night Duty: (2200-0700) - 1 insp, 1 sgt and 12 constables.

Additionally, safer neighbourhoods officers are available for deployment to emergency calls on their own wards, when on duty.

<i>DIVISION NUMBER:</i>	1	2	3	4	5
<b>The Mayor [Cllr. Melvin Wallace]</b>	O	O	O	O	O
The Deputy Mayor [Cllr. Lynden Thorpe]	✓	X	X	✓	X
<b><u>CONSERVATIVE GROUP</u></b>					
Cllr. Michael White	✓	X	X	✓	X
Cllr. Michael Armstrong	✓	X	X	✓	X
Cllr. Robert Benham	✓	X	X	✓	X
Cllr. Becky Bennett	✓	X	X	✓	X
Cllr. Sandra Binion	✓	X	X	✓	X
Cllr. Jeff Brace	✓	X	X	✓	X
Cllr. Wendy Brice-Thompson	✓	X	X	✓	X
Cllr. Dennis Bull	✓	X	X	✓	X
Cllr. Andrew Curtin	✓	X	X	✓	X
Cllr. Osman Dervish	✓	X	X	✓	X
Cllr. Ted Eden	✓	X	X	✓	X
Cllr. Roger Evans	✓	X	X	✓	X
Cllr. Georgina Galpin	✓	X	X	✓	X
Cllr. Peter Gardner	✓	X	X	✓	X
Cllr. Lesley Kelly	✓	X	X	✓	X
Cllr. Steven Kelly	✓	X	X	✓	X
Cllr. Pam Light	✓	X	X	✓	X
Cllr. Robby Misir	✓	X	X	✓	X
Cllr. Eric Munday	✓	X	X	✓	X
Cllr. Barry Oddy	✓	X	X	✓	X
Cllr. Frederick Osborne	✓	X	X	✓	X
Cllr. Gary Pain	✓	X	X	✓	X
Cllr. Roger Ramsey	✓	X	X	✓	X
Cllr. Paul Rochford	✓	X	X	✓	X
Cllr. Geoffrey Starns	✓	X	X	✓	X
Cllr. Billy Taylor	✓	X	X	✓	X
Cllr. Barry Tebbutt	✓	X	X	✓	X
Cllr. Frederick Thompson	✓	X	X	✓	X
Cllr. Linda Trew	✓	X	X	✓	X
Cllr. Keith Wells	✓	X	X	✓	X
Cllr. Damian White	✓	X	X	✓	X
<b><u>RESIDENTS' GROUP</u></b>					
Cllr. Clarence Barrett	✓	X	✓	X	✓
Cllr. June Alexander	✓	X	✓	X	✓
Cllr. Nic Dodin	✓	X	✓	X	✓
Cllr. Brian Eagling	✓	X	✓	X	✓
Cllr. Gillian Ford	✓	X	✓	X	✓
Cllr. Linda Hawthorn	✓	X	✓	X	✓
Cllr. Barbara Matthews	✓	X	✓	X	✓
Cllr. Ray Morgon	✓	X	✓	X	✓
Cllr. John Mylod	✓	X	✓	X	✓
Cllr. Ron Ower	✓	X	✓	X	✓
Cllr. Linda Van den Hende	✓	X	✓	X	✓
Cllr. John Wood	✓	X	✓	X	✓
<b><u>LABOUR GROUP</u></b>					
Cllr. Keith Darvill	A	A	A	A	A
Cllr. Denis Breading	✓	X	✓	X	✓
Cllr. Paul McGeary	X	X	✓	X	✓
Cllr. Pat Murray	O	X	✓	X	✓
Cllr. Denis O'Flynn	X	X	✓	X	✓
<b><u>INDEPENDENT LOCAL RESIDENTS' GROUP</u></b>					
Cllr. Jeffery Tucker	X	✓	✓	X	✓
Cllr. Michael Deon Burton	X	✓	✓	X	✓
Cllr. David Durant	X	✓	✓	X	✓
Cllr. Mark Logan	A	A	A	A	A
<b>TOTALS</b>					
✓ = YES	45	3	19	32	19
X = NO	5	48	32	19	32
O = ABSTAIN/NO VOTE	2	1	1	1	1
ID = DECLARATION OF INTEREST/NO VOTE	0	0	0	0	0
A = ABSENT FROM MEETING	2	2	2	2	2
	54	54	54	54	54