

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Committee Room 2 - Town Hall
25 June 2019 (7.30 - 8.35 pm)**

Present:

COUNCILLORS

Conservative Group Robert Benham (Vice-Chair), Michael White (Chairman), Joshua Chapman, Roger Ramsey, Damian White and Jason Frost

Residents' Group Ray Morgon and Barry Mugglestone

Upminster & Cranham Residents' Group Linda Hawthorn

Independent Residents Group

Labour Group Keith Darvill

North Havering Residents Group Darren Wise

Apologies were received for the absence of Councillors David Durant.

Unless otherwise indicated, All decisions were taken with no votes against.

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

3 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

4 MINUTES

The minutes of the meeting of the Governance Committee meeting held on 21 May 2019 were agreed subject to the following amendments:

1. Add 'Unless indicated otherwise' in front of 'All decisions were taken with no votes against.'; and
2. Councillor Linda Hawthorn voted for Councillor Linda Van den Hende in respect of the contested appointment to the London Road Safety Council.

The minutes were subsequently signed by the Chairman.

5 CHANGES TO THE CONSTITUTION

The committee considered a report by the Monitoring Officer in respect of proposed changes to the Constitution on Members' common law right to access documents on a 'need to know' basis and the rules of procedure relating to budget setting.

The committee were in the main supportive of the proposals subject to some minor amendments. The committee resolved to recommend to Full Council that the following changes be made to the Council's Constitution:

1. **The Protocol on Member/Officer Relations be amended to authorise the Monitoring Officer to decide, on a case by case basis, a Member's common law right to access documents; with a right of appeal to the Chief Executive in instances where the request is denied.**
2. **To replace paragraph 2.9 of the Council's Budget and Policy Framework Procedure Rules with the following:**

"2.9 If following consideration of the Executive's budget proposals, Council has any objection to them, it must inform the Leader of any objections which it has to the Executive's proposals and must give the Leader instructions requiring the Executive to reconsider, in the light of those objections, those proposals in accordance with Council's requirements.

2.10 Where Council gives instructions in accordance with paragraph 2.9, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:

2.10.1 submit a revision of the proposals as amended by the Executive, which have been reconsidered in accordance with Council's requirements, with the Executive's reasons for any amendments made to the proposals, to Council for Council's consideration; or

2.10.2 inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.

2.11 When the period specified by Council, as referred to in paragraph 2.10, has expired Council must, when setting the budget, take into account:

2.11.1 any amendments to the proposals that are included in any revised proposals;

2.11.2 the Executive's reasons for those amendments;

2.11.3 any disagreement that the Executive has with any of Council's objections; and

2.11.4 the Cabinet's reasons for that disagreement; which the Leader submitted to Council, or informed Council of, within the period specified.

2.12 If the Executive's budget proposals are submitted to Council on or after 8th February in the preceding financial year, rules 2.9 to 2.11 apply subject to the Council's statutory duty to make budget calculations before 11th March in the preceding financial year and the ability to charge council tax from 1st April."

- 3. Paragraph 2.12 has been added to give effect to the Committee's recommendation that the delay this procedure will inevitably cause does not override the Council's duty to make budget calculations on time and the financial imperative to issue council tax bills well in advance of 1 April. 7 February is the deadline stipulated in the relevant regulations (see paragraph 3.1 and Appendix 1 of the Committee's report).**
- 4. That the Monitoring Officer be authorised to amend the Constitution in accordance with the proposals.**

6 REVIEW OF CALL-IN PROVISIONS

The committee considered a report by the Monitoring Officer which reviewed the overview and scrutiny arrangements in respect of call-in.

The report set out Havering's approach to call-in, with examples given as to how other local authorities approached it. The report concentrated on a number of key provisions, namely:

- Which executive decisions can be called-in;
- Who can make a call-in request;
- The time-limit (or standstill period) for call-in requests;
- Call-in validity criteria; and
- Urgency rules

The report also made reference to the recently issued statutory guidance by the Ministry of Housing, Communities & Local Government on “Overview and Scrutiny in Local and Combined Authorities”. The Guidance is concerned with overview and scrutiny as a whole and the very limited references to call-in are in high-level terms only. It advises that the power to call-in should not be viewed as a substitute for early involvement in the decision-making process or a party-political tool. Further, effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Instead the Guidance majors on the broad and general themes of culture, resourcing, committee member selection, access to information and work planning. It was noted that the Guidance would be formally reported to the Overview and Scrutiny Board in the summer for its consideration.

There were a number of contrasting views expressed during the meeting on how call-in should operate and whether it was wise to limit its coverage given the statutory guidance issued by the government department.

A number of suggestions were proposed during the meeting and it was resolved to recommend to Full Council that the following changes to the operation of call-in be made:

1. Key executive decisions only can be subject to call-in;

The vote for the resolution was passed by 7 votes to 4. Councillors Morgon, Mugglestone, Hawthorn and Darvill voted against the resolution.

2. Any requisition submitted must be in writing and must be signed by at least six members representing between them no less than two groups;

The vote for the resolution was passed by 6 votes to 4 with 1 abstention. Councillors Morgon, Mugglestone, Hawthorn and Darvill voted against the resolution. Councillor Wise abstained from voting.

3. Decisions may only be called-in once and that decisions are not eligible for call-in if there has been pre-decision scrutiny;

4. Requisitions must specify the decision to which it relates and must not only set out the grounds or reasons relied upon but, where appropriate, also suggest alternative proposals, actions or resolution of the matter. This will in turn set the parameters within which the decision called-in can be reviewed;

5. Requisitions must not be vexatious, frivolous or repetitive;

6. **The Monitoring Officer be authorised to decide whether a call-in is valid as assessed against the agreed criteria and that it is otherwise an appropriate use of the call-in process;**
7. **The members submitting a call-in requisition or a group representative must attend the meeting of the Overview & Scrutiny Board where the called-in decision is to be reviewed;**
8. **The provisions relating to “holding” requisitions as set out in paragraph 17(j) of the Overview & Scrutiny procedure rules be deleted.**

9. **It was also RECOMMENDED to Council that the Monitoring Officer be authorised to amend the Constitution in accordance with Appendix 2 of the suggestions proposed by the Governance Committee and any other consequential changes to the constitution.**

Chairman