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**MINUTES OF A MEETING OF
THE GOVERNANCE COMMITTEE
Havering Town Hall
31 May 2012 (7.30pm – 9.00pm)**

Present:

COUNCILLORS:

Conservative Group	Frederick Thompson (in the Chair), Robert Benham, Steven Kelly, Roger Ramsey, Michael White and +Wendy Brice-Thompson
Residents' Group	Clarence Barrett and Gillian Ford
Labour Group	Paul McGeary and +Pat Murray
Independent Residents' Group	Jeffrey Tucker

There were no declarations of interest

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

Apologies for absence were received from Councillors Becky Bennett, Keith Darvill, Ted Eden and Eric Munday,

Councillor +Wendy Brice-Thompson substituted for Councillor Becky Bennett and Councillor Pat Murray substituted for Councillor Keith Darvill

Councillor Michael Deon Burton was also present for part of the meeting

1 **MINUTES**

A member queried the wording in Minute 25 of the meeting of 14 March 2012 in which the word "also" should be inserted in the text so that the sentence read:

*"In order to obtain an accurate consensus on this, the Chairman asked Members to vote on the proposal that the chair of the joint OSCs should **also** be from the Vice Chairmen".*

Upon the amendment being accepted and subject to the change being made, the minutes of the meeting were agreed as a true record and signed by the Chairman.

2 **MINOR CHANGES TO THE CONSTITUTION**

A small number of minor changes were needed to the Constitution to reflect changes in operating processes arising from the implementation of new systems, and recommendations arising from audit reports. The Committee was asked to consider the following changes:

(a) Financial authorities, responsibilities and functions

It was proposed that the inclusion of an explicit power relating to spending authority would enable formal spend delegations covering all aspects of spend to be put in place by CMT members and Heads of Service and remove the need to maintain inefficient processes relating to authorised signatories. This also tied in with the authorisation chain within the new Oracle systems.

In addition, Internal Audit investigations had resulted in a number of recommendations intended to ensure that value for money is obtained and that risk was minimised.

The proposed changes were set out in Appendix 1 to the report.

(b) Virements and key decisions

It was proposed to amend the definition of “key decision” and the rules relating to budget virements, as a result of review that had revealed inconsistencies of approach.

The proposed changes were set out in Appendix 2 to the report.

(c) Delegated decision-making powers: Head of Development & Building Control

A number of minor changes were proposed to the delegated powers of the Head of Development & Building Control in order to streamline planning process.

Members were asked to note that none of the delegations would affect Members’ rights to call in specific applications for consideration by the Regulatory Services Committee.

The proposed changes were set out in Appendix 3 to the report.

A Member raised a query concerning the way the figures were set out and on reassurance that the error would be corrected, the report was accepted unanimously.

RESOLVED

That the Committee RECOMMEND to the Council

That the Council adopt the changes set out in Appendices A and B to this Minute.

3 **AMENDMENTS TO THE CONSTITUTION**

Recent applications of the Constitution had identified a number of areas where small amendments or additions to various delegated powers would assist the delivery of the Council's work.

1. **Proposed change to text of delegated powers 3.7.6 (vi)**

Erect residential development where the number of dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to paying the Council's Infrastructure Tariffs, the latter involving liaison during the process between Head of Development and Building Control and Head of Law.

2. **Proposed New Delegated Power: 3.7.6 (cc)**

To determine applications under Schedule 7 of the Crossrail Act 2008.

3. **Proposed additional text in 3.7.6 (xiii)**

Extensions less than 1,000sqm, outbuildings, and freestanding shelters and awnings and boundary treatment including walls and fencing proposals in respect of school related applications unless objections have been received or the school is in the Green Belt.

4. **Proposed additional text in 3.7.6 (xiv)**

To decide all proposals under the advertisement regulations and applications for external building alterations including shop-fronts and canopies in respect of LBH applications which, were they not Havering properties, would be determined under staff delegation powers.

Having considered the report and, there being no questions from Members.

RESOLVED

That the Committee RECOMMEND to the Council:

The proposed amendments as set out in this minute be adopted.

4 **STANDARDS OF MEMBERS' CONDUCT – LOCALISM ACT 2011: NEW MEMBERS' CODE OF CONDUCT**

The Localism Act 2011 abolished, with effect from 1 July 2012, the current statutory regime for regulating Members' standards of conduct, introduced by the Local Government Act 2000. The report dealt with the need for a new Members' Code of Conduct and for mechanisms required to deal with alleged breaches of it.

Members were reminded that there was a need for the new procedure to continue to reflect the Nolan Principles which had been put in place to underpin all public services. The principle change was to give greater emphasis to “pecuniary” advantage from the more general “interests” which needed to be declared within the current system, not least because failure to declare a pecuniary advantage becomes a criminal offence. It was being proposed that the mechanisms for considering complaints against Members should be administered by the Adjudication and Review Sub-Committee using a variation of its current procedure for hearing Stage Three complaints. A limited range of sanctions compared with the current arrangements could be applied and it was for Members to consider how to set that out. The Committee was informed that Ipswich had published a range of sanctions and Members might wish to consider whether or not to use part – or all – of it.

Members enquired about the use of Independent Persons (IPs) and were informed that the rules had changed – but had not yet been adequately clarified - though the Department for Communities and Local Government (DCLG) was in the process of publishing further guidance. Delay, however, was not an option. The new Code would come into force and would have to be amended once further clarification had been received.

Members asked about the role of the IP and were informed that the IP’s role was not clear. This would be addressed in time, but for the present the Council was prevented from using any of its current IPs, but had entered dialogue with Redbridge to see whether IPs could be “swapped” until the rules became clearer.

A Member asked whether there was any appeals procedure from a decision by the Panel and was informed that the route could either be to the Local Government Ombudsman or Judicial Review.

Members enquired about the composition and scope of the panels and were informed that membership of both the Initial Assessment and Hearings panels would be drawn from the Adjudication and Review Sub-Committee. Those councillors who sat on the one would not be eligible to sit on the other to hear the same matter.

There was some concern expressed about part of the wording and the following motions were put to the vote:

1. That those Members who had received complaints about them should be informed of the allegation(s) and
2. The right of the complainant to have the decision reviewed to be deleted.

Both motions were **carried** unanimously.

RESOLVED

That the Committee RECOMMEND to the Council that

1. The Code of Conduct set out in Appendix 1 to this minute (subject to the agreed amendments) be adopted.

2. The Monitoring Officer to be authorised to amend the section of the Code that dealt with interests if necessary to comply with any subsequent secondary legislation on interests.
3. The procedure for investigating and adjudicating on alleged breaches of the Code of Conduct be adopted.

5 APPOINTMENTS TO OTHER ORGANISATIONS 2012/13

The Committee was reminded that the Council made appointments to a large number of other organisations, some statutory, others voluntary. Since the new executive governance arrangements came into force, responsibility for making some appointments had passed from the Governance Committee to the Leader of the Council but the Constitution provided that it was for this Committee to make recommendations to the Leader.

The Committee first considered executive Member appointments to external bodies. All were confirmed apart from the Thames Gateway London Partnership which the Leader confirmed as being defunct and replaced by the East and South East London Transport Partnership.

The Committee then considered those appointments for which non-executive Members were nominated.

Changes were made to the appointments in the report:

- Havering Sixth Form College. It was recommended that Councillor Wendy Brice-Thompson should replace Councillor Steven Kelly
- Joint O & S East London Solutions. Councillor Rebecca Bennett is appointed as the representative of this new body with Councillors Wendy Brice-Thompson, Frederick Thompson and Robbie Misir to be added as deputies.
- Romford Combined Charity. Wilf Mills was re-appointed as a Nominated Trustee to take effect from 3 November 2012 until 3 November 2016.

Concerning the Orchard Village Neighbourhood Management Board, the Chairman announced that he had received a communication from Councillor Rebecca Bennett to the effect that she was concerned she might not be able to fulfil her appointment due to personal circumstances. The Leader responded by saying that he had proposed her name and that the proposal stood until she formally resigned from it.

A Member raised a question about the membership of the Board reminding the Committee that due to unfortunate circumstances there had been a loss of one of the Ward councillors and that the position had been filled by a Cabinet Member. He stated that this had not been acceptable at the time and that the Committee ought to replace the Cabinet Member with the third Ward councillor.

The Chairman invited the Member to propose a replacement and Councillor Michael Deon Burton's name was put forward. There being no seconder to this proposal, the amendment fell and the proposed membership of the body was confirmed.

The Committee:

- 1 (a) Determined the appointments to the organisations referred to in the appendix to this minute for the period until the meeting that dealt with appointments for the municipal year, 2012/13 (or such other period as may be relevant in any specific case).
- (b) **RECOMMENDED** to the Leader that where the appointment was executive the Committee make that appointment.
- 2 Confirmed that where the Council’s representative (or any deputy or alternative representative where applicable) was unable to attend a particular meeting and the constitutional arrangements of the body in question so permitted; that representative might mandate the Chair of the meeting to exercise a proxy vote.
- 3 Confirmed that the Council’s voting rights at the General Assembly of the Local Government Association should be exercised by Councillor Michael White (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either was unable to vote in person).

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CHAIRMAN

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DATE