



GOVERNANCE COMMITTEE

11 September 2012

REPORT

Subject Heading:

ADJUDICATION & REVIEW –
reinstatement as full Committee

CMT Lead:

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Policy context:

Following changes in the management of complaints about Members' conduct and of complaints by tenants following the re-absorption by the Council of housing management functions, it is proposed to reinstate Adjudication & Review as a full Committee.

Financial summary:

The Committee Chairmanship role will attract a Special Responsibility Allowance of £7,650 in a full year (£3,825 in 2012/13)

Has an Equality Impact Assessment (EIA) been carried out?

An EIA is not necessary.

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

In May 2010, the Council decided to change the then Adjudication & Review Committee into a Sub-Committee of the Governance Committee. Following the abolition of the Standards Committee, effective from 1 July this year, and the transfer of responsibility for dealing with complaints about Members' conduct to Adjudication & Review and the re-absorption by the Council of housing management responsibilities (and, therefore, the handling of complaints by tenants), it is expected that the workload of Adjudication & Review will grow sufficiently to justify being dealt with by a full Committee rather than a Sub-Committee.

This report identifies the various steps required to put this into effect and invites the Committee to make appropriate recommendations to the Council.

RECOMMENDATIONS

That the Committee **RECOMMEND** to the Council that:

- 1 The Adjudication & Review Sub-Committee be reinstated as a full Committee with effect from 1 October 2012, with the functions set out in the Appendix to this report.
- 2 That the Chairman (Councillor Ted Eden) and Vice-Chairmen (Councillors Barbara Matthews and Frederick Thompson) of the current Sub-Committee be appointed as Chairman and Vice-Chairmen respectively of the new Committee, with effect from 1 October 2012.
- 3 That the post of Chairman of the new Committee be paid a Special Responsibility allowance at the same rate as the Chairman of the Audit and other Committees, and that the Members' Allowances Scheme 2012/13 be amended by the addition to Schedule 1 of the Scheme, in the final line, of "Adjudication & Review " before "Audit"

REPORT DETAIL

- 1 At its Annual Meeting in May 2010, the Council decided that the Adjudication & Review Committee should become a Sub-Committee of the Governance Committee rather than continue as a full Committee in its own right.

- 2 Since then the Council has conferred on the Adjudication & Review Sub-Committee responsibility for dealing with complaints about Members' conduct, formerly dealt with by the Standards Committee. The Standards Committee has now been abolished in consequence of the Localism Act 2011; it remains this Committee's role to consider policy issues relating to standards.
- 3 In addition, Members will be aware that, with effect from 1 October, responsibility for managing the Council's housing stock will revert directly to the Council and Homes in Havering will cease to exist. Complaints by tenants of Council housing will, therefore, once more become a direct responsibility of the Council under Adjudication & Review.
- 4 It is expected that the workload of Adjudication & Review will be increased sufficiently to justify reinstating it as a full Committee, and this Committee is therefore invited to recommend accordingly to the Council. The Chairmanship of the new Committee will attract a SRA; the recommendations to Council cover the steps necessary to provide for that.
- 5 The appendix to this report sets out the changes to the Council's Constitution that are a necessary consequence of this proposal. The opportunity has also been taken to amend wording to reflect recent changes in legislation.

IMPLICATIONS AND RISKS

Financial implications and risks:

The addition of a Special Responsibility Allowance for the Chairman of the new Adjudication & Review Committee will result in additional expenditure of £3,825 (excluding employer's National Insurance Contributions) in the provision for Members' Allowances in the current year and £7,650 in a full year.

This additional cost pressure will need to be contained within the overall Members allowances budget and reflected within the development of the 2013/14 revenue budget.

There are no other financial implications arising from this report.

Legal implications and risks:

There are no legal implications or risks.

Human Resources implications and risks:

There are no HR implications or risks.

Equalities implications and risks:

It is not necessary to carry out an Equalities Impact Assessment. There are no implications or risks for equalities as no changes of substance are proposed.

BACKGROUND PAPERS

There are no background papers.

Amendments to the Constitution: Part 3: Responsibility for Functions

In section 1.2 Functions delegated to general council committees, Table of Committees, etc:

1. Before the entry for the Audit Committee, insert:

Council committee	Functions
Adjudication & Review	<p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, including in relation to housing services, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive) (group B functions) and Part 3, section 5: local choice functions) – see Hearings Panels below</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none">• To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals), including children to whom section 87 applies (appeals by governing bodies)• To make arrangements pursuant to Chapter 3 of Part 3 of Education Act 2002 (exclusion reviews) <p>These powers are exercisable in relation to maintained schools and, subject to appropriate contract, may be exercised in relation to Academies</p> <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies</p> <p>Members' conduct</p> <p>To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code had been breached.</p>

2. In the Sub-Committees section, **omit**:

- (a) The entry for the Adjudication & Review Sub-Committee
- (b) The entry for the Sub-Committees of the former Standards Committee