



**Havering**  
L O N D O N B O R O U G H

The following report is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972.

## **REPORT OF THE GOVERNANCE COMMITTEE**

### **AMENDMENTS TO THE CONSTITUTION**

Review of the Council's Constitution, and recent legislation, have led to proposals for amendment of the Constitution.

**The Governance Committee RECOMMENDS that, for the reasons given, the amendments set out in the appendix be approved.**

### **3.7.6 Head of Development & Building Control**

#### **1. Proposed new delegated powers 3.7.6 (dd)**

Section 127 of the Localism Act has introduced new Sections 225A-K to the Town and Country Planning Act.

These new provisions allow a local authority to serve a "removal notice", where advertisements are being displayed without consent, requiring the person responsible to remove the advertisement within at least 22 days. The local authority then can remove those advertisements subject to a removal notice that have not been removed and recover the costs of doing so.

These powers appear to be more straightforward than current powers under the London Local Authorities Act.

It would be beneficial for these to be delegated to the Head of Development and Building Control so that prompt action against unauthorised adverts can be taken.

#### **Reason for proposed delegation**

- (i) Serve Removal Notices under Section 225A of the Act;
- (ii) Remove unauthorised advertisements which have not been removed in accordance with a removal notice;
- (iii) Deal with appeals against removal notices under Section 225B of the Act;
- (iv) Issue removal notices on operational land in accordance with Section 225K of the Act.

### **3.3 Powers of Members of the Corporate Management Team**

#### **1. Proposed changes to text of delegated powers 3.3. Finance (d)**

To authorise the making of ex-gratia payments to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.

#### **Reason for change**

The Local Government Ombudsman on occasions recommends to the Council the payment of a relatively modest sum to a complainant as a way of settling a matter locally, i.e. without a full Ombudsman investigation. Currently the relevant delegation limits the amount that can be authorised to a figure set by the Head of Finance and Procurement. This is an unnecessary bureaucratic requirement, so it is proposed to delete this restriction.

It should be noted that in the event of a finding of maladministration by the Ombudsman the finding and the compensation will still have to be reported to members as at present.

### **3.5.6 Head of Children and Young People's Services**

1. Amalgamation of two delegated powers 3.5.6 (m) & (q).

To approve payments for children in need, or of their families, and for children and young people in care and leaving care, in accordance with Part III of the Children Act 1989, and to make grants and/or loans to children and their relatives, up to the limit specified from time to time by the Head of Finance & Procurement; otherwise payment must be made in consultation with the Group Director Finance & Commerce.

#### **Reason for change**

Currently the Head of Children & Young People's Services has two delegated powers for the provision of financial assistance, once of which is up to a set limit and the other about that limit. There is no logical reason for such an arrangement, which probably relates to a historical sub-division of responsibilities which is no longer relevant. It is therefore proposed to amalgamate the two powers into one.