

**MINUTES OF A MEETING OF
THE GOVERNANCE COMMITTEE
Havering Town Hall
16 January 2013 (7.30pm – 8.45pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), Becky Bennett, Ted Eden, +Georgina Galpin, +Robby Misir, +Gary Pain, Roger Ramsey and +Melvin Wallace

Residents' Group Clarence Barrett and Gillian Ford

Labour Group Keith Darvill and Paul McGeary

Independent Residents' Group Jeffrey Tucker

+ **Substitute Members:** Councillors Gary Pain (for Robert Benham), Georgina Galpin (for Eric Munday), Robby Misir (for Steven Kelly) and Melvin Wallace (for Michael White)

Councillors David Durant and Pat Murray were also present.

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

Apologies for absence were received from Councillors Steven Kelly, Eric Munday and Michael White

There were no disclosures of pecuniary interest

19 MINUTES

The minutes of the meeting held on 14 November 2012 were agreed as a true record and signed by the Chairman.

20 MEMBERS' ALLOWANCES SCHEME REVIEW

A report was submitted following discussion at the last meeting about Members' Allowances, in particular the Special Responsibility Allowance for Chairmen of Committees.

Opportunity was also taken to seek Members' agreement to an amendment to the Scheme following the appointment of the Independent Person for standards of Members' conduct.

The Committee requested further information about the Chairmen's SRA position but approved the amendment relating to the Independent Person and, accordingly, **RESOLVED to RECOMMEND to the Council that paragraph 15 of the scheme be amended to read:**

15 Co-Optees and Independent Persons' Allowances

The standard rate of allowance for statutory co-optees is £117 per meeting attended.

The Independent Person for standards of Members' Conduct will be paid an annual allowance of £1,000, in monthly instalments.

Co-optees and Independent Persons will be reimbursed for all travel costs in accordance with the above, whether the travel is within or outside the Borough, but will not be paid subsistence.

21 APPOINTMENTS TO OUTSIDE BODIES: LONDON CITY AIRPORT CONSULTATIVE GROUP

The Committee was advised that the London City Airport Consultative Group reviewed and monitored all aspects of the airport's operation to ensure that noise pollution was kept to a minimum, and had a role in discussing complaints from the public.

The Group comprised representatives of the London Boroughs of Bexley, Greenwich, Newham, Barking and Dagenham Councils, a single representative for Tower Hamlets, Waltham Forest, Redbridge and Havering Councils jointly, and representatives of Community Groups and the Airport and airport users. Members served for three years (with the exception of those for LBs Newham and Greenwich who are nominated on an annual basis).

The Committee now **NOTED** that London Councils had appointed Councillor Barry Tebbutt as the representative Tower Hamlets, Waltham Forest, Redbridge and Havering for the period September 2012 to April 2015.

22 MONITORING OFFICER'S REPORT – CHANGES TO THE CONSTITUTION (No 14)

A review of the Council's Constitution, and recent legislation, had led to proposals for amendment of the Constitution.

The Committee NOTED the report

23 KEY DECISION LIMITS

The Local Government Act 2000, as amended by the Localism Act 2011, required that, when decisions considered to be "Key" were to be made, particular procedural steps be taken. Failure comply with the requirements could result in

the decisions being challenged and, for example, left open to be being quashed on judicial review.

There was, however, no statutory definition of what constituted a “key decision”: each local authority had been left free to develop its own definition. The Council’s current definition was as follows:

A key decision is an Executive decision which is likely

(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates. For this purpose “significant” is defined as

(a) In excess of £500,000

(b) In excess of 10% of the gross controllable composite budget at Head of Service/ Assistant Chief Executive level (subject to a minimum value of £250,000)

In determining the meaning of “significant”, regard must be had to any guidance issued by the Secretary of State

The Committee was now advised that the term “savings” had not thus far been defined further. This had not resulted in any particular difficulty until recent changes in the law relating to the making of executive decisions, with the explicit aim of ensuring that decision-making by the executives of local authorities was more transparent and more open to public scrutiny. It was now reported that the lack of definition of savings left the Council potentially open to challenge in that, for example, if a decision to dispose of an asset valued in excess of £500,000 were treated as non-key (on the basis that the prospective capital receipt was not a “saving”), it would be open to an aggrieved party to accuse the Council of acting improperly.

The Committee accepted that the meaning of “saving” should now be defined in order to avoid the possibility of such challenges and accordingly **RESOLVED to RECOMMEND to the Council that the note to paragraph (14)(a)(i) of the Council’s Executive Procedure Rules be amended to read:**

In determining the meaning of “significant”, regard must be had to any guidance issued by the Secretary of State. For the avoidance of doubt, “savings” includes expenditure avoided, additional revenue income generated or capital receipts obtained.

24 REVIEW OF THE ANNUAL COUNCIL ARRANGEMENTS

The Committee had previously reviewed the arrangements for the Annual Meeting of the Council, following several years in which the meeting’s proceedings had, for various reasons, been less than satisfactory. Consideration was invited of several options for the arrangements for future meetings.

Consideration was now invited as to the arrangements to be made for the Annual Meeting for 2013. Following discussion, the consensus was that the Council Procedure Rules should be amended to provide permanently for an arrangement similar to that used in 2012 (with the Annual Meeting in May reserved for civic and organisational business, and an additional ordinary meeting in June to deal with other business).

Consideration was also invited as to whether (except in the year of an election of Councillors), the civic Awards should be conferred at an extraordinary meeting held immediately before the Annual Meeting, an arrangement that had met with success in May 2012.

The Committee agreed that the 2012 arrangements should be used in future and accordingly instructed that a report as to the adjustment necessary in the Council procedure Rules be submitted to the next meeting.

25 REVIEW OF CALL-IN TIMINGS

In accordance with requirements of the Local Government Act 1972, the Council's Executive Arrangements provided for the call-in of certain Executive Decisions for review by the relevant Overview & Scrutiny Committee (OSC). It was noted that, generally, unless the next ordinary meeting was imminent, a special meeting of the OSC needed to be called.

There was need for balance between:

- compliance with the legal requirements for convening a meeting
- ensuring that the executive business of the Council can be taken forward without avoidable disruption
- ensuring that the Members who have submitted the requisition have due opportunity to explain the reasons for their requisition and to seek the support of the OSC

In practice, this meant that the OSC would generally need to meet either at the end of the week following receipt of the requisition or during the week following that.

There was no specific timescale for convening an OSC meeting following receipt of a requisition, which had, on occasion, led to difficulty. The Committee agreed that it would be useful to include in the Council's Overview & Scrutiny Procedure Rules a requirement that the OSC to be convened to meet within 10 working days of the requisition being received, where it is practicable to do so (for example, it might not be practicable to do so over the Christmas/New Year period) unless an ordinary meeting of the OSC was due within 15 working days.

The Committee therefore **RESOLVED to RECOMMEND that the Overview & Scrutiny Procedure Rules be adjusted by amending paragraph 17(b) of the Rules to read as follows:**

- (b) If the Committee Administration and Member Support Manager is notified

of a requisition of a decision shown on that notification within three working days in Calendar Brief (or any supplementary Calendar Brief) of a decision, then that decision shall not be acted upon but shall be submitted to the OSC as soon as possible, either at the next ordinary meeting if due within 15 working days of receipt of the requisition or at a special meeting convened for the purpose (to be held, so far as practicable, within 10 working days of the receipt of the requisition), for determination.

(Amended text highlighted for clarity)

26 **WEBCASTING: REVIEW OF CURRENT POSITION**

The Committee was reminded meetings of full Council and Cabinet had been 'webcast' since December 2009, and more recently that "Ask the Cabinet" and 'Havering Community Questions' had similarly been webcast.

A report now submitted invited consideration as whether the Council should expand its webcasting operation to include certain meetings of the Regulatory Services Committee.

Contrasting views were expressed as to the merit of webcasting such meetings. Some members considered that there would not be sufficient interest to merit them being webcast, whilst others commented that all meetings of the Regulatory Services Committee should be covered.

Ultimately, Members considered however, that it was currently premature to consider that proposal and agreed therefore to defer it to the next meeting of the Committee.