

Public Document Pack

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
29 May 2013 (7.30 - 8.00 pm)**

Present:

COUNCILLORS

Conservative Group Frederick Thompson (Chairman), Becky Bennett (Vice-Chair), Robert Benham, Steven Kelly, Roger Ramsey, Michael White, Michael Armstrong and Andrew Curtin

Residents' Group +Linda Hawthorn and +Ray Morgon

Labour Group Keith Darvill

Independent Residents Group Jeffrey Tucker

+ Substitute Members: Councillors Ray Morgon (for Clarence Barrett) and Linda Hawthorn (for Gillian Ford)

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

Apologies for absence were received from Councillors Clarence Barrett, Gillian Ford and Paul McGeary

There were no disclosures of pecuniary interest but each Member declared an interest in item 2.

1 MINUTES

The minutes of the meeting held on 13 March 2013 were agreed as a true record and signed by the Chairman.

2 APPOINTMENTS TO OTHER ORGANISATIONS, 2013/14

The Committee considered the recommendations by each of the Groups for the appointment of Members to the various organisations as they were presented. The majority of the proposed recommendations were accepted without a vote. In the instance of the appointment to the Orchard Village Neighbourhood Management Board Councillor Tucker proposed Councillor Michael Deon Burton, but this was not seconded. Councillor Tucker asked that his observation that "disliking a person was not a good reason to vote against them" be included in the Minutes.

The Leader proposed Councillor Andrew Curtin to the Local Government Association Urban Commission and Councillor Ray Morgan proposed Councillor Clarence Barrett. As both proposals were seconded, the matter was put to the vote:

In favour of the motion that Councillor Andrew Curtin be appointed to the LGA Urban Commission: Councillors: Frederick Thompson, Becky Bennett, Michael White, Steven Kelly, Roger Ramsey, Robert Benham, Michael Armstrong and Andrew Curtin.

Against the motion: Councillors: Ray Morgon, Linda Hawthorne and Keith Darvill.

Abstained: Councillor Jeffrey Tucker.

The motion was **CARRIED** by eight votes to three.

In addition to agreeing the nominations as shown in the appendices to this Minute, the Committee **RESOLVED**

To confirm that the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Michael White (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either is unable to vote in person).

That Councillor Andrew Curtin be nominated to continue to represent Havering on the Lee Valley Regional Park Authority.

3 **CHANGES TO THE CORPORATE HEARINGS PROCESS**

Members were informed that on 19 January 2009, a report was presented to the Adjudication and Review Committee inviting it to adopt an assessment phase for screening requests for hearings in order to ensure that only cases which had merit – and to which Councillors could make positive contributions – were passed on for a full hearing.

The model suggested was based on the Assessment Sub-Committee then in use – to good effect - by the Standards Committee. The need for such a mechanism had become apparent after Members had registered dissatisfaction at having to consider appeals about which they could do little or nothing and which had placed a time burden on both staff and Councillors as well as the cost of the rooms and materials supporting those hearings.

In order to ensure that Councillors remained integral to Stage Three, the Initial Assessment Panel (IAP) was set up and now consists of three Councillors (one of whom was either the Chairman of the Adjudication and Review Committee or one of its Vice Chairs). The IAP was designed to be informal and could be held at short notice in order to determine whether a complainant's case should progress to a full hearing or not.

Changes to the Constitution

Because the introduction of Initial Assessment Panels was an experiment, to date it had not been appropriate for any changes to be made to the Constitution. The Committee was invited to recommend to Council certain minor changes to the Constitution which would allow it to continue using IAPs in the future.

The Committee **RESOLVED** to **RECOMMEND** to Council that:

- 1 The arrangements for the continued use of Initial Assessment Panels be approved
- 2 That the changes to the relevant Procedure Rules set out in the Appendix to this Minute be approved.

4 MONITORING OFFICER NO 16 AMENDMENTS TO THE CONSTITUTION

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

5 MONITORING OFFICER NO 17 AMENDMENTS TO THE CONSTITUTION

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

6 MONITORING OFFICER NO 18 AMENDMENTS TO THE CONSTITUTION

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

7 MONITORING OFFICER NO 19 AMENDMENTS TO THE CONSTITUTION

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

Chairman

APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2013/14

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
CEME (Centre for Engineering & Manufacturing Excellence) - 1	Group Director, Finance & Commerce	
East London Waste Authority - 2	Deputy Leader of the Council and Cabinet Member – Environment	
East and South East London Transport Partnership	Leader of the Council	
Greater London Enterprise Limited -1	Cabinet Member– Community Empowerment	
IESE Ltd	Leader of the Council	
IWMS Contract Liaison Committee - 1	Deputy Leader of the Council	
London Councils (Leaders' Committee)	Representative (1): Leader of the Council Deputy: (1) Deputy Leader of the Council	
Transport & Environment Committee	Representative (1): Cabinet Member - Environment Deputies (up to 4): Deputy Leader of the Council, Cabinet Member – Community Empowerment, Cabinet Member – Value	

Appointments to other organisations, 2013/14

Grants Committee

Representative (1): Cabinet Member – Value

Deputy (up to 4): Deputy Leader of the Council, Cabinet Member – Towns & Communities & Cabinet Member-Transformation

Greater London Provincial Council

Representative: Cabinet Member – Value

Deputy Representative: Deputy Leader of the Council

Leader of the Council

APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2013/14

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Adoption Panel-1	Councillor Wendy Brice-Thompson	
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Cabinet Member – Individuals and Councillor June Alexander	
Carers Panel-1	Councillor Wendy Brice-Thompson	
Coopers Company & Coborn Educational Foundation	Councillor Linda van den Hende	
Damyns Hall Aerodrome Joint Consultative Committee-2	Cabinet Member for Community Empowerment and Councillor Linda van den Hende	
Essex Wildlife Trust (Bedfords Park Management Committee)	Councillor Geoff Starns	
Governor Panel - 3	Cabinet Member – Children & Learning, Councillor Wendy Brice-Thompson and Councillor Gillian Ford	
Havering Arts Council - 5	Cabinet Member- Towns & Communities, Councillors Keith Wells, Garry Pain, Linda Hawthorn and Gillian Ford.	
Havering Association for People with Disabilities - 2	Councillors Steven Kelly and Councillor Nic Dodin	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Havering Bands and Majorettes Association - Executive Committee - 3	Councillors Andrew Curtin, Osman Dervish and Linda Hawthorn	
Havering & Brentwood Bereavement Service - 1	Councillor Wendy Brice-Thompson	
Havering Chamber of Commerce and Industry	Leader of the Council	
Havering Children's Trust	Cabinet Member – Children & Learning	
Havering Community Safety Partnership – 2	Cabinet Member– Community Safety and the Acting Assistant Chief Executive, Legal and Democratic Services	
Havering Joint Forum - 6	Leader of the Council, Deputy Leader of the Council, Cabinet Member – Value, Cabinet Member- Transformation, Leader of the Opposition Group and Councillor Linda van den Hende	
Havering Local Strategic Partnership - 3	Leader of the Council, Deputy Leader of the Council and Leader of the Opposition	
Havering Police and Community Consultative Group - 9	Cabinet Member- Community Safety and Councillors Roger Evans (Elm Park & Hylands); Paul Rochford (Emerson Park & Harold Wood); Lynden Thorpe (Squirrels Heath & Pettits); Denis O'Flynn (Harold Hill); Nic Dodin (Hornchurch); Billy Taylor (North Romford); Fred Osborne (Romford & Brooklands); Michael Deon Burton (South Hornchurch & Rainham); Ron Ower (Upminster & Cranham)	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Havering Sports Council - 5	Cabinet Member – Towns & Communities, Councillors Osman Dervish, Garry Pain, John Mylod and Denis Breading.	
Havering Sixth Form College	Cabinet Member – Children & Learning (till July 2014) Councillor Wendy Brice Thompson (till July 2013)	
Havering Theatre Trust - 3	Cabinet Member - Value, Cabinet Member – Transformation and Councillor Gillian Ford.	
Havering Twinning Educational Association	Councillor Melvin Wallace	
Hornchurch Housing Trust (Nomination Trustees) - 6	Ms Pamela Freer and Mr David Williams (until February 2015) Councillor Eric Munday and Councillor Ted Eden (until February 2017) Mr Ivor Cameron and Mrs Peggy Munday (until February 2014)	
Joint O&S East London Solutions	Councillor Rebecca Bennett Deputies: Councillor Wendy Brice-Thompson, Councillor Frederick Thompson, Councillor Robby Misir.	
Lee Valley Regional Park Authority (indirect appointment via nomination to London Councils)	Councillor Andrew Curtin (until June 2017)	
Local Government Association General Assembly - 4	Leader of the Council, Deputy Leader of the Council, Cabinet Member, Value and Leader of the Opposition	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Local Government Association Tourism Forum - 1	Cabinet Member – Towns & Communities	
Local Government Association Urban Commission- 2	Cabinet Member – Community Empowerment Councillor Andrew Curtin	
London City Airport Consultative Group (indirect appointment via nomination to London Council)	Councillor Barry Tebbutt (until April 2015)	
London Home & Water Safety Council	Councillors Keith Wells	
London Road Safety Council	Councillors Wendy Brice-Thompson and John Mylod	
London Youth Games-1	Cabinet Member – Towns & Communities	
Lucas Children’s Play Charity Nominative Trustees – 2	Councillors Andrew Curtin and Councillor Linda Hawthorn (appointed till November 2015)	
North East London NHS Foundation Trust - 1	Cabinet Member – Individuals	
Orchard Village Neighbourhood Management Board Poyntz (a.k.a. Richard Poyntz’s) and other charities	Cabinet Member- Housing, Cabinet Member-Transformation, Rebecca Bennett and Denis Breeding Councillor June Alexander (until March 2016) Mr David Livermore (until March 2016) Rev. George Baisley (until March 2016)	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Relate North East	Councillors Keith Wells and John Wood	
Reserve Forces & Cadets Association	Councillor Peter Gardner	
Romford Town Centre Partnership	Leader of the Council, Cabinet Member – Community Empowerment (Deputy) and Chief Executive	
<u>Romford Combined Charity Nominative Trustees</u> - 2	Councillor Michael Armstrong, Councillor Andrew Curtin and (until 3.11.14) Wilf Mills (until 3.11.16) Councillor Melvin Wallace (until 25.10.15))	
Second Chance Theatre for the People	Councillor Andrew Curtin	
Standing Advisory Council for Religious Education (SACRE) - 5	Cabinet Member- Children & Learning, Councillors Wendy Brice-Thompson (co-optee), Damian White, Pam Light, Gillian Ford and Paul McGeary	
Tenant Management Organisations	BETRA (Gooshays) – Councillor Keith Wells DELTA (Squirrels Heath) – Councillor Lynden Thorpe PETRA (St Andrews) – Councillor Garry Pain	
Thames Regional Flood Defence Committee- 1	Cabinet Member – Environment (until November 2014)	
Upminster Windmill Preservation Trust	Councillor Linda Hawthorn	
Veolia ES Cleanaway Havering Riverside Trust - 1	Cabinet Member – Transformation	
Veolia ES Cleanaway Havering Riverside Trust - 1	Cabinet Member – Transformation	

Changes to the Constitution

1. Because the introduction of Initial Assessment Panels was an experiment, to date it has not been appropriate for any changes to be made to the Constitution. If the Committee is minded to continue using IAPs in the future, it will be necessary to make mention of them in Part 3, 1.2 Functions delegated to general council committees. The changes proposed are:

Add wording in Hearings Panels, General hearings to read:

“Initial Assessment Panels – To assess complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure”

And amend existing wording to read:

“To consider complaints by service users referred to them by Initial Assessment panels relating to the service made available to them in accordance with the authority’s agreed Corporate Complaints procedure.”

2. The above changes will ensure that, in the event of a challenge to any decision to reject a hearings request by a complainant because the IAP is not a formal part of the procedure, the Council has taken steps to eliminate any such charge and thereby eliminated any potential claim for damages or charge of maladministration.

Minute Item 4

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 16

Date 23rd April 2013

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3.2	39	Remove Health & Wellbeing Board section and insert a new section 2.7 as follows: 2.7 Health & Wellbeing Board The Health and Wellbeing Board is by virtue of the provision of the Health and Social Care Act 2013 an executive committee of the Council to exercise those functions prescribed under the Health and Social Care Act 2012. In particular to: Renumber the following sections	Error – this is an executive function
Part 3.2	44	Remove Health & Wellbeing Board – Health Protection Forum to new section under 2.7 Health Protection Forum To provide assistance and guidance to the Director of Public Health to enable them to fulfil their function with regard to health protection and emergency planning as prescribed in section 12 of the Health and Social Care Act 2012	Error – this is an executive function

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 17

Date 29th April 2013

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

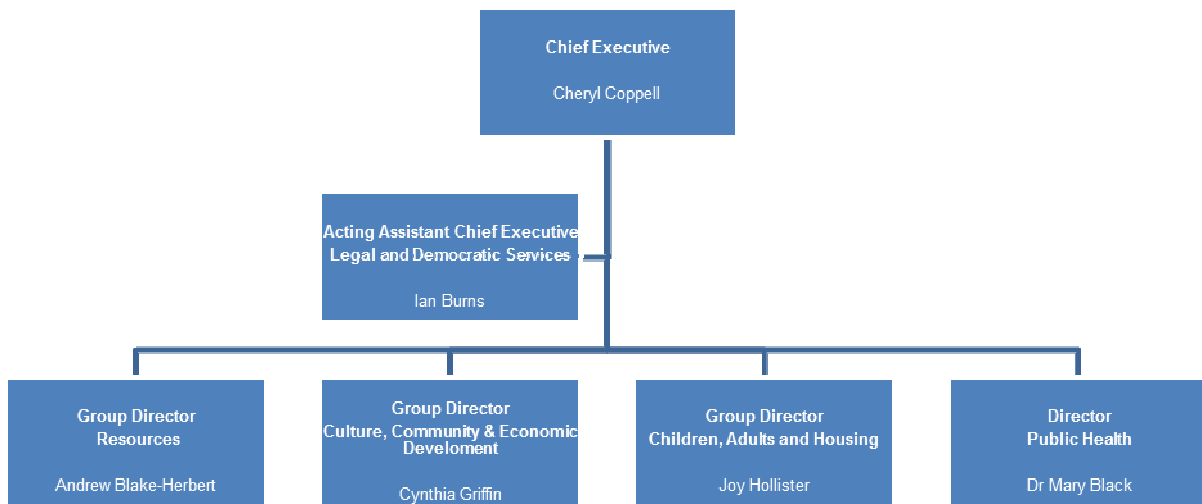
In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 2 Article 1 1.03(b)	11	Amend item 3 in 1.03(b) to: Director of Children Services (appointed under S.18 Education Act 2004) and Director of Adult Social Services appointed under S.6 (A1) Local Authority Social Services Act 1970) (i.e. the Group Director of Children, Adults and Housing Services)	Reorganisation
Part 2 Article 1 1.03(b)	11	Delete item 4 in 1.03(b) and renumber item 5 to become item 4 and amend to: S.151 Officer (i.e. the Group Director Resources)	Reorganisation
Part 2 Article 1 1.03(b)	11	Renumber item 6 to item 5 and amend the name of the group director to: .. Group Director & Culture, Community & Economic Development	Reorganisation
Part 2 Article 1 1.03(b)	11	Renumber item 7 to item 6	Reorganisation
Part 2 Article 8 8.01(c)	21	Amend table of statutory posts to: Group Director Resources = responsible officer under S.151 Local Government Act 1972 (Chief Finance Officer) Group Director Children, Adults &	Reorganisation

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		Housing Services = Director of Adult Social Services and Director of Childrens Services	
Part 3	59	Functions delegated to staff Amend to read: 3.5 Functions relating to the Children, Adults & Housing group of services 3.6 Functions relating to the Culture, Community & Economic Development group of services 3.7 Functions relating to the Resources group of services	Reorganisation
Part 3.5	66	Amend to read: Functions relating to the Children, Adults & Housing group of Services	Reorganisation
Part 3.5.1	66	Amend to read: Group Director Children, Adults & Housing Services	Reorganisation
Part 3.5.2	66	Delete 3.5.2 Group Director Children's Services and renumber section.	Reorganisation
Part 3.5.7	66	Add new section 3.5.7 Head of Homes and Housing	Reorganisation
Part 3.5.1	66	Amend heading to read: 3.5.1 GROUP DIRECTOR CHILDREN, ADULTS AND HOUSING SERVICES	Reorganisation
3.5.1	66	Deleted paragraph (h)	Reorganisation
3.5.2	67	Delete 5.5.2 Group Director Children's Services and	Reorganisation
3.5.2	67	Move 3.5.2 Group Director of Children's Services powers (a) (b) (f) (h) (i) (j) To 3.5.1 Group Director Children, Adults & Housing Services and renumber. Delete Group Director of Children	Reorganisation

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		Services paras (c), (d), (e) and (g)	
3.5.4	69	Reorder 3.5.4 to 3.5.3 Amend (c) heading to read The Head of Children and Young Person's Services and the Head of Learning and Achievement	Reorganisation
3.5.3	69	Reorder 3.5.3 to 3.5.2	Reorganisation
3.5.5	69	Reorder 3.5.5. to 3.5.4	Reorganisation
3.5.6	75	Reorder 3.5.6 to 3.5.5	Reorganisation
3.5.7	78	Reorder 3.5.7 to 3.5.6	Reorganisation
3.5.7	80	Add New section 3.5.7 Head of Homes & Housing	Reorganisation
3.6	80	Amend heading to read: Functions relating to the Culture, Community and Economic Development Group of Services	Reorganisation
3.6	80	Amend to read 3.6.1 to Group Director Culture, Community and Economic Development	Reorganisation
3.6	80	Amend to read 3.6.6 Head of Regulatory Services	Reorganisation
3.6.2	81	Move paragraphs 3.6.2 (c) & (f) to 3.6.6 and renumber	Reorganisation
Part 3.6.5	86	Move paragraphs 3.6.5 (e) (f) & (g) to 3.6.6 and renumber	Reorganisation
Part 3.6.6	87	Amend heading to read: 3.6.6 Head of Regulatory Services	Reorganisation
Part 3.6.6	87	Move paragraphs 3.6.6 (a) to (dd)(xv) to new 3.5.7	Reorganisation
Part 3.6.6	91	Add new Heading: Planning Control, Building Control & Business Continuity	Reorganisation

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3.6.6	91	Rename (ee) Licensing as a heading <u>Licensing</u>	Reorganisation
Part 3.6.6	91	Rename first paragraph: (a) The Head of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers	Reorganisation
Part 3.6.6	92	Rename (ff) Public Protection as a heading <u>Public Protection</u> and renumber paragraphs from (a) – (d)	Reorganisation
Part 3.6.6	93	Rename second paragraph: (ii) Cemeteries and Crematorium as a heading <u>Cemeteries and Crematorium</u> and renumber paragraph from (a) – (c)	Reorganisation
Part 3.7	94	Rename heading to read: Functions relating to the Resources Group of Services	Reorganisation
Part 3.7	94	Rename: 3.7.1 GROUP DIRECTOR RESOURCES	Reorganisation
Part 3.7.1	94	3.5.1 rename: Group Director Resources	Reorganisation
Part 3.7.1	94	Delete 3.7.6 Head of Development and Building Control renumber 3.7.6 Head of People and Change	Reorganisation
Part 3.7.6	99	Move section 3.7.6 Planning Control, Building Control & Emergency Planning to 3.6.6 Planning Control (a) – (cc) Building Control (a) - (c) Emergency Planning (a)	Reorganisation
Part 4 Section 4 Contract Procedure Rules	187-219	Amend all references of Group Director Finance & Commerce to Group Director Resources	Reorganisation
Part 4 Section 2 Budget Framework	173-178	Amend all references of Group Director Finance & Commerce to Group Director Resources	Reorganisation
Part 4 Section 7 Finance	257-274	Amend all references of Group Director Finance & Commerce to Group Director Resources	Reorganisation
Part 7 Structure Chart	353	Structure chart to be amended to reflect Reorganisation	Reorganisation



Minute Item 6

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 18

Date 1st May 2013

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Section 3.7	95		
3.7.1 (g)	96	Rename: Head of People and Change	
Part 3.7.7	105	To read:	Change of job title
Part 4 – 8 Staff Employment Procedure Rules	286	Head of Strategic Human Resources and Organisational Development	
Whole Constitution	Throughout	Rename : Group Director Finance & Commerce To read: Group Director Resources	Change of job title
Whole Constitution	Throughout	Rename: Head of Development and Building Control To read: Head of Regulatory Services	Change of job title

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 19

Date 14th May 2013

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Whole Constitution	Throughout	Rename: Social Care & Learning To read: Children, Adults & Housing	Restructure
Whole Constitution	Throughout	Rename: Culture & Community To read: Culture, Community & Economic Development	Restructure
Contents Page	1	Rename: Head of Housing & Public Protection To read: Head of Regulatory Services	Restructure
Article 1 1.03 Definitions (b) 6	12	Director of Public Health Amend first paragraph to read: Those in categories 1 – 4 and 6 are statutory chief officers, those in category 5 are non-statutory	Restructure
Part 3.1.3	35	Amend to read 3.5 Children, Adults & Housing 3.6 Culture, Community & Economic Development 3.7 Resources	Restructure

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		3.8 Legal & Democratic	
Part 3.5.3	69	Delete: ALL HEADS OF SERVICE WITHIN THE HEAD OF CHILDREN AND YOUNG PERSON'S SERVICES AND THE HEAD OF LEARNING AND ACHIEVEMENT Amend to read: ALL HEADS OF SERVICE	Restructure
Part 3.3 Appendix A	111	Rename all: Head of Housing & Public Protection To read: Head of Regulatory Services	Restructure