Agenda

Council

Date  Monday 14th October 2019

Time  7.00 p.m.

Venue  Main Hall - Old Town Hall, Stratford

Rokhsana Fiaz OBE
Mayor of Newham

Althea Loderick
Chief Executive
Meeting of Council Seating Plan

STAGE

Democratic Services

Legal

Joy Laguda MBE Chair of Council

Althea Loderick Chief Executive

Rokhsana Fiaz OBE Mayor

Islam Ahmed McAlmont

Mughal Chowdhury

Griffiths D Lee-Phakoe

Tohoura Whitworth

Makwana Blaney

Jahan Osei

M Khan Singh Virdee N. Wilson

Kitchen Holland

Masters Hudson

Mirza Gulamussen

Gray C Lee-Phakoe

McLean Lofthouse

Z Ali Mohammed

Asser Nekiwala

Beckles M Rahman

Marriott Brayshaw

Paul Easter

Ruiz M Patel

Vaughan R Dasgupta

M Ali Tripp

Abdulmuhit Thekkeppurayil

Bailey Siddiqah

Guana Garfield Gangadharan Dawood S Dasgupta Clark Murphy S Patel T Wilson Peppiatt T Rahman Shah
AGENDA

Chair of Council: Councillor Joy Laguda MBE
Deputy Chair of Council: Councillor Nazir Ahmed

1. Apologies for Absence

To receive any apologies for absence from Members.

2. Declarations of Interest

In accordance with the Members’ Code of Conduct, Councillors are invited to declare any personal or personal and prejudicial interests they may have in any matter being considered at this meeting, having due regard to the guidance attached to the agenda.

3. Minutes

Council is invited to approve, as a correct record, the attached Minutes of the last Ordinary Meeting of the Council, held on Monday 16 September 2019.

4. Newham Partners Update

5. Any Announcements by the Chair

To receive any announcements by the Chair of Council, Councillor Joy Laguda MBE.
6. **Any Announcements by the Mayor**
   To receive any announcements by the Mayor, Rokhsana Fiaz OBE.

7. **Any Announcements by the Chief Executive**
   To receive any announcements by the Chief Executive, Althea Loderick.

8. **Any Updates by Cabinet Members**
   To receive any updates by Members of the Cabinet.

9. **Overview and Scrutiny Committee Work Programme**
   Council to invite Councillor Anthony McAlmont, Chair of the Council’s Overview and Scrutiny Committee, to address Council on his Committee’s Work Programme.

10. **Deputations**
    There are no deputations this evening.

11. **Petitions**
    Members are invited to present any petitions received by them, in accordance with Rule 25 to Part 4.1 of the Council’s Constitution.

12. **Members’ Questions**
    Council to receive any questions from Members to the Mayor and Executive or the Chair of the Council’s Overview and Scrutiny Committee, in accordance with Rule 21 to Part 4.1 of the Council’s Constitution.

    All Member (Item 12) and Public (Item 13) Questions received, and published responses, are included in the “Yellow Pages” within the Order Paper.
13. Questions by the Public

Council to dispose of the following questions received by members of the public, in accordance with Rule 26 to Part 4.1 of the Council’s Constitution.

Question 1 from Resident (supplied name but chose to remain anonymous)

Question 1: Were the views of the nine councillors for the FGN [Forest Gate North], FGS [Forest Gate South] or S&NT [Stratford and New Town] wards taken into account when Newham recommended to the Local Government Boundary Commission for England (LGBCE) that the Maryland community should now be divided between 4 wards, not 3?

Question 2: Will Newham commit to seeking FGN/FGS/SNT councillor views on the effect of the LGBCE’s draft recommendations (due to be published on 29 Oct) on the Maryland community when it prepares its Jan 2020 response letter to the draft recommendations?

14. Speeches from Members

There are no speeches from Members this evening.

15. Motions

There are no motions this evening.

16. Review of Polling Districts and Polling Places 2019

Council is invited to review the findings of the current review of Polling Districts and Places in Newham and to agree the minor changes set out in the recommendations.

17. Procurement Review of Evaluation Weightings

Council is invited to implement alternative price-quality ratios to be applied to contracts to be awarded within the Council.
18. **Constitutional Amendments: Officer Employment Procedure Rules**

The Council is invited to consider a report which sets out a proposal to amend Officer Employment Procedure Rules. These Rules are set out in Appendix 1.

19. **Appointments**

   (i) To receive any appointments by the Mayor or the Chief Whip; and

   (ii) Council to **AGREE** that the S151 Officer/Chief Finance Officer be authorised to make appointments to the Pension Board.

20. **Conclusion of Business of Council Meeting**

   Althea Loderick
   Chief Executive

   Adrian May, Corporate Governance Manager - 020 3373 4643
   Newham Dockside, 1000 Dockside Road, E16 2QU.

   **Background papers used in preparing the Agenda**
   None
Members' Declarations of Interest

Matters for Consideration
Revised Guidance – February 2016

The following is offered as a guide to Members. Further details are set out in the Members’ Code of Conduct, attached as Part 5.1 of the Council’s Constitution.

1. Disclosable Pecuniary Interests

Disclosable Pecuniary Interests (DPI) are covered in detail in the Localism Act 2011. Breaches of the law relating to these may be a criminal offence.

1.1 If you have a DPI in any matter on the agenda you must not participate in any discussion or vote on that matter. If you do so without a prior Dispensation (see below) you may be committing a criminal offence, as well as a Breach of the Code of Conduct. The Council’s Constitution requires any Member declaring a DPI to leave the meeting (including any public seating area) during consideration of the matter.

1.2 Members will be asked at the start of the meeting if they have any declarations of interest. The Council’s Code of Conduct requires you to make a verbal declaration of the fact and nature of any DPI. You are also required to declare any DPIs before the consideration of the matter, or as soon as the interest becomes apparent, if you were not aware of it at the start of the meeting.

2. Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest

2.1 The Council’s Code of Conduct requires you to make a verbal declaration of the existence and nature of any "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest". Any Member who does not declare these interests in any matter when they apply may be in breach of the Code of Conduct.

2.2 You may have a "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest" in an item of business where:

2.2.1 A decision in relation to that business might reasonably be regarded as affecting your well-being or financial standing, or a member of your family, or a person with whom you have a close association with to a greater extent than it would affect the majority of the Council taxpayers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

2.2.2 It relates to interests which would be a DPI, but in relation to a member of your family or a person with whom you have a close association and that interest is not a DPI. If the matter concerns your spouse, your civil partner or someone you live with in a similar capacity, it is covered by the provisions relating to DPIs.

2.2.3 It could also cover membership of organisations which you have listed on your Register of Interests (including appointments to outside bodies), where there is no well-being or financial benefit accruing to you but where your membership might be said to be relevant to your view of the public interest.

2.3 A person with whom you have a close association is someone who is more than an acquaintance, and is someone you are in contact with over a period of time, whether regularly or not. It is someone that a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter which affects them and so covers friends, colleagues, business associates, or someone you know through social contact.
2.4 Family should be given a wide meaning. In relation to the family of both you and your partner, it would include the parents, parents-in-law, children and step children, brothers and sisters, grandparents, grandchildren, uncles and aunts, nephews or nieces, together with the partners of any of these persons.

2.5 You should make a verbal declaration of any such interest in a matter to be considered at the meeting at the start of the meeting, or before the consideration of the item of business, or as soon as the interest becomes apparent if you are not aware at the start of the meeting of the interest.

3. Register of Members interests

Members are required to complete the Register of Interests and to keep this register up to date by informing the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of their DPIs.

4. Dispensations

In certain circumstances the Monitoring Officer is able to grant a dispensation to you which will enable you either to participate in the discussion on a matter, to vote on the matter, or both. Dispensations can only be granted in limited circumstances. If you believe that you are able to claim a dispensation you must seek advice as soon as possible from the Monitoring Officer, who will consider your request.

The Monitoring Officer, under Section 33(2) of the Localism Act, has granted the following general dispensations to all Members until the Annual Council meeting in 2022, on the grounds that the dispensation is in the interests of the inhabitants of Newham and/or it is appropriate to grant the dispensation to maintain a similar position as applied under the previous code of conduct. This means Members do not need to leave the meeting if their Disclosable Pecuniary Interest arises and is:

- An interest common to the majority of inhabitants in their ward.
- An interest so remote that it is not likely to prejudice their judgement of the public interest.
- Council housing unless related to their own particular tenancy.
- School meals and/or transport unless relating to their own child’s school.
- Statutory sick pay for members.
- Members allowances.
- Setting Council Tax or precept.
- Agreeing any Local Council Tax Benefit Scheme.
- Interests arising from membership of an outside body to which the authority has appointed or proposes to appoint them.
- The Local Government Pension Scheme unless relating specifically to their own circumstances.

5. Bias and Predetermination

If in relation to any decision, your outside connections may make it appear to a reasonable person that there is a real danger of bias, or predetermination you should seek advice as to whether it is appropriate for you to participate in any discussion about the matter and in the decision, regardless of whether or not you consider that you should declare an interest as defined above.

For further advice about these matters please contact the Monitoring Officer, Daniel Fenwick on 01708 432714
Members Attendance at Meetings - Statutory Requirements

Section 85 of the Local Government Act 1972 provides that a Member (Councillor) of an authority must attend a meeting of the authority as a whole (i.e. Council) or a Committee, Sub-Committee or a Joint Committee at least once every six months. Attendance at a meeting of a Committee or Sub-Committee of Council listed below would count in lieu of a meeting of Council provided that the Councillor was an appointed member of that Committee or Sub-Committee:

Standards Advisory Committee
Local or Strategic Development Committee
Licensing Committee
Overview and Scrutiny Committee or a Scrutiny Commission
Investment and Accounts Committee
Chief Officers Appointment Committee
Audit Board
Health & Wellbeing Board
Corporate Parenting Board
Standing Advisory Council on Religious Education (SACRE)

Members of the Executive (the Mayor and Cabinet Members) also need to attend a meeting of the Executive i.e. Cabinet at least once every six months.

If you have any queries with regard to this guidance you should contact:

Daniel Fenwick, Monitoring Officer – 01708 432714
(E-mail: Daniel.Fenwick@Onesource.co.uk)
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COUNCIL
Meeting held on 16th September 2019
at Main Hall - Old Town Hall, Stratford

Present:
Councillor Joy Laguda MBE (Chair)
Rokhsana Fiaz OBE, Nazir Ahmed, Muhammad Ali,
Zulfiqar Ali, James Asser, Jennifer Bailey, James Beckles,
Daniel Blaney, Ayesha Chowdhury, Ken Clark,
Rohit Dasgupta, Sasha DasGupta, Mariam Dawood,
Ann Easter, Omana Gangadharan, Joshua Garfield,
John Gray, Alan Griffiths, Belgica Guaña, Zuber Gulamussen,
Patricia Holland, Anamul Islam, Nilufa Jahan, Moniba Khan,
Mumtaz Khan, Genevieve Kitchen, Carleene Lee-Phakoe,
Daniel Lee-Phakoe, Pushpa Makwana, Julianne Marriott,
Anthony McAlmont, Charlene McLean, Riaz Ahmed Mirza,
Shaban Mohammed, Mushtaq Mughal, Firoza Nekiwala,
Mas Patel, Salim Patel, Terry Paul, Mohammed Rahman,
Tahmina Rahman, Sarah Ruiz, Lakmini Shah,
Suga Thekkeppurayil, Delphine Tohoura, Rachel Tripp,
Winston Vaughan, John Whitworth and Neil Wilson

Apologies:
Councillors Hanif Abdulmuhit, Steve Brayshaw,
Lester Hudson, Jane Lofthouse, Patrick Murphy,
Nareser Osei, Quintin Peppiatt, Aisha Siddiqah,
Harvinder Singh Virdee and Tonii Wilson

The meeting commenced at 7.31 p.m. and closed at 9.30 p.m.

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors Abdulmuhit,
Brayshaw, Hudson, Lofthouse, Murphy, Osei, Peppiatt, Ruiz, Virdee, and T
Wilson and from Councillor Blaney for lateness.

2. Declarations of Interest

There were no declarations of interest received from Members.

ORDER OF BUSINESS AND RULES OF DEBATE

The Chair moved, the Deputy-Chair seconded and Council AGREED a
motion, without notice, that Rules 14.1.10 (to vary the order of business)
and 31 (Suspension of Council Procedure Rules) be used to suspend Rule
15 (Rules of Debate) and proposed that the order of business be varied to
enable the early participation of young people who had attended to make
presentations to Full Council on the theme of Climate Emergency and for
Council to have a robust debate.
The effect of the motion, without notice, was to (1) propose that items 16 (Youth Assembly on Climate Emergency) and 17 (Newham Air Quality and Climate Change Strategic Intent Part 2: Addressing Climate Change) on the Agenda be considered next and the remainder of the business be considered in the order as printed in the agenda; and (2) to review the normal rules of debate to allow the young people there to present to Members.

3. **Youth Assembly on Climate Emergency**

Representatives from the Youth Assembly delivered a presentation to Council on climate emergency and what solutions could be introduced to halt it. They acknowledged that the Government and Newham Council had declared a climate emergency and asked how young people felt about this and how aware were young people in Newham of climate emergency?

They said that 14% (did not believe it was true), 43% (thought it was true, but did not care), 36% (knew about it but did not feel able to do anything) and 7% (knew about it and would like to do something about it).

The Young People’s representatives responded to questions from Members.

4. **Newham Air Quality and Climate Change Strategic Intent Part Two: Addressing Climate Change**

Council considered a report, which was considered by Cabinet on 3 September 2019, and which summarised the main implications for the Council of climate change and the climate emergency. It also identified a number of issues for further development.

**RESOLVED** that:

1. the contents of the relevant report considered by Cabinet on 3 September 2019, be noted; and

2. the adoption of the national government target of net zero greenhouse gas (GHG) emissions by 2050 (i.e. a reduction in GHGs by at least 100% of 1990 levels by 2050), whilst maintaining the previously agreed target of making the borough ‘carbon neutral’ by 2030, be agreed.

**Note:** This had the effect of amending the terms of the resolution passed by Council on 15 April 2019, on the grounds that making the Borough ‘carbon zero by 2050’ was impracticable, as some processes would inevitably continue to produce greenhouse gas emissions, and that, consequently, some degree of carbon offsetting would continue to be necessary. The proposed new target also gave a clear baseline year (1990), against which to measure progress.
5. Minutes of the Last Meeting

RESOLVED that the minutes of the last Ordinary Meeting of the Council, held on 15 July 2019, be approved as a correct record, subject to the following amendments:

(i) Attendance

The Chair moved, the Deputy-Chair seconded and Council AGREED the inclusion of Councillor Hanif Abdulmuhit as having been in attendance at the meeting held on 15 July 2019; and

(ii) Petitions

That, in respect of the petition submitted and presented by the young persons from NEWVIC, the following words be added after “presented to Council”:

“The key points were: enhanced availability and security for cycles, dedicated cycle ways and their introduction into integrated, innovative solutions.”

6. Newham Partners Update

There were no updates from Newham Partners.

7. Any Announcements by the Chair

The Chair made the following announcements:

(i) Councillor Jane Lofthouse (Deputy Cabinet Member for Education)

The Chair asked Council to join her in wishing Councillor Lofthouse a speedy recovery following her recent cycling accident.

(ii) Janet Williams

The Chair was sad to announce the recent passing of Janet Williams, who had been a hardworking and steadfast volunteer across Newham, including being a long-serving governor at local schools, in particular at Sarah Bonnell, and a leader at St John’s Church Stratford. The Chair said that she had been well known to all Members for her volunteer work and she had taken part in many community and environmental initiatives, such as being a Games Maker during the 2012 Olympics, enhancing the Greenway; reporting fly tipping; helping at local community events; and helping elderly and vulnerable residents, particularly at Christmas. At the Connecting Faiths and Building Communities Conference in 2017 her contribution to programmes to enhance her local community in
Plaistow was recognised. On behalf of the Council, the Chair extended the Council’s sincerest condolences to her family and friends and said that the absence of her presence would be felt by all.

8. Any Announcements by the Mayor

The Mayor made the following announcements:

(i) Climate Emergency

The Mayor was delighted that the Council’s first themed meeting, which had focused on Climate Emergency, had started in such a positive way with an inspiring Youth Citizen’s Assembly on Climate Emergency taking place earlier in the evening with around 150 young people, including a class of pupils from one of Newham’s primary schools.

The Mayor said that it was the start of a week where the urgency of global warming was prominent on the world stage and that, this Friday, a Global Climate Strike, led by young people around the world, would coincide with the first day of the United Nations’ Climate Summit in New York.

She added that showing how young people were taking a stand about the most pressing issue facing our planet and humanity was very important and that, here in Newham, the Council had begun its week by listening to the voice of Newham’s young people on this vital issue, which linked with the events this Friday.

The Mayor said that the Council was also taking action, and later on the agenda it would consider a report on Climate Emergency, which would set out the Council’s plans for the future. She went on to say that climate emergency also ran through the Council’s Community Wealth Building agenda to develop its own green new deal. Therefore, she said, it was vital that everyone played their part and that meant working with the Council’s residents on this agenda. She said that, on Saturday 21 September 2019, Commissioner Councillor Mas Patel would be involving residents during Newham’s Climate Now forum, together with environmental activists and experts to discuss how everyone could get involved with the Council’s plans. Later, she said, on Saturday 9 November 2019, a Climate Emergency Citizens’ Assembly would take place. The Mayor went on to say that, this Sunday, the Council would be marking World Car Free Day, which was something everyone could participate in and encouraged drivers in Newham to join the Council in making do without their cars for 24 hours.
The Mayor said that, across the Borough, nine roads had become ‘play streets’, allowing Newham’s children and young people to enjoy fun and games in a car-free environment. She added that, earlier this month, the Council had launched a public consultation on its comprehensive Air Quality Action Plan, which would run until 14 October.

The Mayor said that this was vitally important, because doing nothing was simply not an option in a situation where Newham had the worst levels of air quality in London and the highest rates of deaths related to toxic air with seven in every hundred. She said that this meant rethinking aspects of how residents lived their lives and how they travelled and that even the smallest changes could make a difference. Change, she said, was always challenging and she knew that this issue had provoked concern and controversy amongst some residents.

The Mayor said that she had heard residents’ concerns over the changes being proposed, but the Council had to deal with the health crisis caused by some of the Borough’s most polluted and congested roads. Of course, she said, the Council had to take forward any changes in partnership with its residents, car users and non-car users alike, which meant it was important that the Council listened to views because it needed everyone on board.

The Mayor said that, in the end, everyone benefitted from the Borough’s healthier, liveable streets. She urged people to look at the facts. She said she had been struck by one particular statistic, which could be found in the Air Quality Action Plan document, on page 7 to the Agenda, which outlined, in human terms, a map showing the appallingly high levels of children under 18 on asthma medication. She said that, across the Borough, this amounted to 3,423 children, which she said was an appalling figure.

The Mayor asked people to look at where the worst affected areas were (which corresponded to the most congested and where the Council wanted to close the ‘rat runs’). She said that these levels were among the highest in London and that data from National Health England showed that Newham was the second highest borough in London for children under 9 years old admitted to hospital because of extreme asthma cases. That, she said, was 206 children a year, in hospital, because they literally could not breathe and that was why people and the Council needed to make changes where it had the power to take action. The Mayor went on to say that everyone had to ask what was important and that, as a Council and as Corporate Parents, it knew the answer in that the Borough’s children were the
Borough’s future.

(ii) DSEI Arms ‘Fair’ and the Alternative Peace Exhibition

The Mayor reported to Council that, in line with the letter and the spirit of the motion passed in June, it had taken a strong and vocal stand in opposition to the DSEI arms ‘fair’ which had been held last week. She was pleased that the Mayor of London had also come out in opposition. She said that the Council would continue to work with others to ensure that this event never came to Newham again, and she commended campaigners, including CND and Newham Against the Arms Fair, for their efforts.

The Mayor expressed her thanks to those who had made it possible and, in particular, Councillors John Whitworth, Daniel Blaney, Sasha Das Gupta and Belgica Guana, in putting together a truly inspirational number of speakers.

The Mayor said that she had also heard about the devastating effects of conflict and war in Yemen, which had affected some 14 million children. That was why, she said, she had asked officers to look into the possibility of identifying an appropriate charitable fund for Yemeni children affected by the war as one of the Mayor’s Charities, to raise awareness on the humanitarian catastrophe in Yemen.

(iii) Brexit

The Mayor said she wanted to speak about the Council’s preparations for Brexit and wanted to offer some reassurances about what the Council was putting in place, particularly in light of ever increasing uncertainty and the extraordinary actions of the Government in recent weeks.

She said that the Council was working hard to plan for whatever eventuality transpired through the Brexit Board that the Council had established earlier this year. More than anything, she said, she wanted to send a strong message, again, to every single EU national in Newham that, regardless of what happened, Newham was their home and the Council would support them. She said that the Council was working to ensure that people know their rights and how to exercise them in relation to settlement status, including where to find the information they needed, from trusted sources. Therefore, she said, whatever happened in the run up to 31 October 2019 and beyond, the Council would be there for all its residents.
The Mayor said that, in relation to the Democracy and Civic Participation Commission, she was very pleased to announce that Nick Pearce, Professor of Public Policy at the University of Bath, had been appointed as Chair. The Commission, she said, would soon begin its work, engaging with residents and seeking expert knowledge. She added that Nick Pearce would bring a breadth of experience to the job and would be a huge asset as the Council worked towards making Newham a beacon of participatory democracy and she looked forward to further updates as the Commission began its deliberations.

The Mayor said that Nick Pearce would lead a panel of Commissioners, all of whom were expert in participatory democracy and resident involvement, including the use of social media and new methods. In conclusion, the Mayor said that in relation to participatory democracy, she wanted to formally thank all those young people involved in the ‘takeover’ of the Newham Mag over the summer, and congratulated them for the September edition they had produced. She said that there was more to come with the start of the Council’s civic journalism initiative, showing how it was involving its residents in everything it did.

9. Any Announcements by the Chief Executive

The Chief Executive was pleased to announce the appointment of Mr. Colin Ansell (current Interim Corporate Director for Adults and Health) to the permanent position of Corporate Director for Adults and Health.

10. Any Updates by Cabinet Members

There were no updates by Cabinet members.

11. Overview and Scrutiny Work Programme and Future Commissions

The Chair of the Council’s Overview and Scrutiny Committee, made the following statement:

“Thank you Chair,

Since the last update I provided to Full Council, The Overview and Scrutiny Committee met on the 23rd July. At this meeting, the Mayor and Chief Executive were questioned on issues regarding the Corporate Plan, the Mayoral Priorities and provided an update on the Council restructure.

Also at the meeting, the Committee approved its work programme for 2019/20. Like last year, the Committee has chosen to undertake most of its
work through the four themed Scrutiny Commissions that are in-line with the Scrutiny Chairs’ remits.

Work has been going on throughout summer on drafting a schedule of meetings for the four Commissions in order to provide the various departments and Cabinet Members with advance notice of when topics will be considered by Scrutiny. It is intended that each of the four Commissions will meet on a fairly basis, with most of the first meetings of each Commission taking place within the forthcoming weeks.

In fact, the first meeting of the Education, Children’s and Young People’s Scrutiny Commission has already met, with Members wishing to make sure they met to consider issues relating to corporate parenting and the leaving care hub ahead of the first Ofsted Monitoring visit.

A schedule of items to be considered at meetings of the Overview and Scrutiny Committee throughout the year is also being developed and we will continue the work started last year in dedicating a certain amount of Committee time to questioning the Mayor and Cabinet Members on matters within their portfolios. Invitations will soon be sent to those Executive Members that have not already one of these question and answer sessions in the past year and I look forward to the Committee holding the Executive to account in this way over the coming year.

The next meeting of the Overview and Scrutiny Committee will take place on the 25th September, here at Stratford Town Hall. The focus of this meeting will be on rough sleeping and issues relating to the Stratford Mall. We will also be welcoming an update on the work of the Homelessness Taskforce.

In addition to this, since I last reported to Full Council, we have held our inaugural Scrutiny Family event for all Members of Scrutiny. At this event, the Mayor and Members of the Executive were invited to discuss the key challenges and proposed work to be undertaken within their portfolios. I thanks the Mayor and all of those Cabinet Members in attendance for their participation. The event also included a Scrutiny Member Development session with the Centre for Public Scrutiny, which was very informative and should help Members undertake their vital scrutiny role.

The next month will see a considerable amount of scrutiny activity being undertaken and I look forward to updating you on that activity.”

**ORDER OF BUSINESS**

Councillor Blaney moved, Councillor Whitworth seconded and Council **AGREED** a motion, without notice, that Rule 14.1.10 (to vary the order of business) be used to allow for the order of business to be varied to enable consideration of the motion submitted, on notice. The effect of the motion, without notice, was to propose that item 15 (Motions) on the Agenda be considered next and the remainder of the business be considered in the
order as printed in the agenda.

12. Motions

The following motion was submitted, on notice, in accordance with Rule 11 of Part 4.1 of the Constitution.

Motion on the Governance Referendum and Proposed Governance Arrangements

Council notes that, on 15 April 2019, Council noted the Governance Referendum report, which outlined some of the risks involved in holding the Governance Referendum on the same day as the London Mayoral and Assembly elections (1). Council also noted the report on the Democracy and Civic Participation Commission, part of whose remit is to propose different models of governance for Newham (2).

Council believes that the referendum should be held on a different day from the London elections and that a decision on the type of governance model proposed in the referendum should not be taken before the proposals of the Democracy and Civic Participation Commission can be considered.

Council therefore resolves:

to hold the Governance Referendum on a date between June 2020 and May 2021, with an indicative date for 1st April 2021 following consultation to decide upon a proposed governance model to offer in a referendum, after taking the conclusions of the Democracy and Civic Participation Commission into account that the timetable must be tightly maintained to guarantee that the implementation of any referendum result takes effect from May 2022.

Proposed: Councillor John Whitworth
Seconded: Councillor Daniel Blaney

Following discussion, the motion was put to the vote and was declared CARRIED.

ORDER OF BUSINESS

The Chief Whip moved, the Deputy-Chair seconded and Council AGREED a motion, without notice, that Rule 14.1.10 (to vary the order of business) be used to allow for the order of business to be varied to enable consideration of appointments. The effect of the motion, without notice, was to propose that item 18 (Appointments) on the Agenda be considered next and the remainder of the business be considered in the order as printed in the agenda.
13. Appointments

RESOLVED that the following appointments be made:

Committees

(i) That Councillor Neil Wilson replace Councillor Rev Ann Easter on the Council’s Audit Committee; and

(ii) That Councillor Pushpa Makwana be appointed to the Council’s Local Development Committee.

Cabinet

(i) That Councillor Zulfiqar Ali replace Councillor Susan Masters as Cabinet Member for Health and Adult Social Care (statutory Lead Member);

(ii) That Councillor James Asser’s portfolio (Environment) be extended to include Highways and Sustainable Transport; and

(iii) That Councillor Rohit Das Gupta be appointed Commissioner for Social Integration and Equalities.

14. Deputations

There were no requests for Deputations referred to Council by the Chief Executive.

15. Petitions

A petition had been received by Councillor Nilufa Jahan on behalf of residents of Prestbury Road, E7 8NG, in relation to the road, which was in a state of disrepair and sought urgent action to resurface it.

16. Members’ Questions

In accordance with Council Procedure Rule 24.2 (Members’ Question Time), the following questions were submitted by Members:

Question 1 from Councillor Alan Griffiths to Councillor John Gray

“In the light of the map included in the report on fuel poverty, what steps (such as publicity with benefit renewal claims) can the Council take to encourage owners and tenants of older homes to improve insulation and adopt other energy efficiency measures?”

Published Response

Supporting owners and tenants of older private sector homes to make
energy efficiency improvements is primarily a matter for central government. There is a high risk that private owners and landlords aren’t sufficiently incentivised to upgrade the energy efficiency of their properties and thereby jeopardising national climate change objectives.

As part of its response to climate change, the council will review the kind of support that it can provide and the measures it can take locally to support and encourage the upgrading of privately owned residential properties. The Council’s Property Licensing Team will continue to enforce the Excess Cold Hazard, which requires landlords to make repairs to properties. The Council will also, as part of its response to the climate emergency, give consideration to the policy measures it can take to improve minimum standards in respect of matters such as types of boilers, insulation and windows installed in private rented properties. It will also consider the issue of enforcement in respect of rented domestic and non-domestic properties, which are below E grade on their Energy Performance Certificates (EPCs). Finally, at a time when Universal Credit and the capping of benefits threatens to increase poverty the Community Wealth Strategy will seek to ensure that local people maximise their incomes to alleviate fuel poverty.

However, in the short to medium term, it is likely that its own resources will need to be targeted mostly towards the improvement of its own property, a substantial proportion of which needs significant investment to improve energy efficiency to a standard consistent with its carbon emission reduction targets. As part of its response to the climate emergency, the Council will seek to determine the nature and scale of the additional works required and incorporate them into its financial planning arrangements.

Question 2 from Councillor John Whitworth to Councillor Zulfiqar Ali

“I welcome the draft Air Quality Action Plan as a positive step towards improving the quality of life of Newham residents and note that it includes the full or partial incorporation of most of the recommendations of the Regeneration, Housing and Environment Commission’s Task and Finish Scrutiny Report. However, the Action Plan merely mentions that “we will investigate the feasibility of introducing a Workplace Parking Levy in the Borough of Newham”, while this borough - with a comprehensive public transport network - seems well suited to a scheme which is being encouraged by the Mayor of London and Transport for London. What will the Council do to investigate the feasibility of introducing a Workplace Parking Levy?”

Published Response

Workplace parking levies option has been available since 2012. It is intended to discourage motorised journeys to work by introducing a charge on those employers that offer free workplace parking for some or all of their employees. As Councillor Whitworth says this was mentioned as part of our discussions at a Scrutiny meeting and I can assure him that this will be
further discussed as part of our ongoing review of our parking policies. However I must say at this juncture that whilst this option has been available for some times, very few authorities actually implemented this. Nottingham implemented this to fund their tram infrastructure programme. As part of our review, we will look at pros and cons of this option.

At this stage I would like to say that we need to ensure that we look at this objectively in terms of merits of introducing such a charge, which is regarded as a mini congestion charge. We need to examine this in our wider policies context considering our economic, regeneration, business investment and community wealth building as well as growth.

Please note that such schemes have previously been considered to impact negatively on some local businesses, particularly in comparison to nearby competitors in places where no such fees are not applied (e.g. in a neighbouring borough). This is also said to influence new employer’s site selection criteria when selecting sites. We would therefore like to understand more about its context and likely impact.

It is something that we will seek views of our neighbouring authorities to see if there can be a collective approach to this as any individual action in this regard will have consequential impact on the neighbouring boroughs. As such, we need to assess feasibility and complexities of introducing this levy. As such I would consider it likely to be part of a later phase of the parking review.”

Question 3 from Councillor Daniel Blaney to Councillor James Asser

“Crossing the borough boundary there is no shortage of street litter bins with a recycling facility on one side. Why do these seem so few and far between in Newham?”

Published Response

The Council is currently undertaking work to address our recycling rates, after years of underinvestment in this vital area of the council’s service. The intention is to improve it at all levels including rolling out awareness and education campaigns to increase recycling levels. We are pulling together a new recycling strategy, and this will include examining the way we collect recycling items, how we can increase the number of litter bins with recycling options; and how we can make it easier for people to recycle on the street.

Question 4 from Councillor Daniel Blaney to Councillor Zulfiqar Ali

“A number of respected groups including London Living Streets, CPRE London and RoadPeace have launched a “Boroughs Healthy Streets Scorecard”, with a score for every London Borough. What is the local authority’s view of their scoring for Newham?”
Published Response

The Council welcomes the good work done by Living Streets, CPRE London and RoadPeace in developing this index, which provides a good proxy for healthy streets achievements across London local authorities. To obtain a “Healthy Streets” score, it uses a number of observed indicators such as mode share, active travel, parking zone coverage, casualty rates, and cycle lanes etc. The score is out of 10 for each of London’s 33 Boroughs.

As a consequence of the positive work we have commenced, Newham is ranked in the top 12 out of 33 boroughs. With a score of 5.3, Newham is one of only three non-central London boroughs in the top 12. City of London is top, with a score of 8.7 and Havering and Redbridge lowest ranked at 1.4 and 1.9 respectively.

This ranking is considered a fair reflection of our healthy street position in relation to other London Boroughs, some of whom are more developed in their environmental and traffic reduction policies. It also shows that we are still in a better position than the majority and some of our neighbouring authorities.

The relatively high ranking reflects Newham’s recent positive healthy streets initiatives, including the RPZ rollout (which is currently under review), the highways and footways renewal programme, the Crossrail public realm schemes, Stratford Town Centre, the Greenway and Quietway cycle schemes and various other Local Implementation Plan (LIP) initiatives that have delivered a range of healthy streets outcomes across the Borough in recent years.

The Council’s LIP schemes and initiatives programme is committed to delivering on Healthy Streets objectives, and these outcomes are pre-requisites for all the schemes we take forward.

This commitment to deliver healthy streets outcomes, matched with the support from our communities and councillors, is likely to positively impact on our future healthy streets scores, enabling opportunities for active and sustainable travel for our residents. This will therefore lead to improvements in our air quality and our public health record.

Question 5 from Councillor Rachel Tripp to Councillor Zulfiqar Ali

“Encouraging residents to walk and cycle by making the environment safer and more welcoming is a vital part of reducing car use, and combatting climate change (as well as encouraging community cohesion, and increasing activity levels). After the great news of our first successful Liveable Neighbourhood bid to TfL, could the Cabinet Member for Highways please update me and my colleagues about our next steps, particularly if any further work is planned on another bid we made: the joint one with Waltham Forest, around the Forest Gate North and Cann Hall
area?"

**Published Response**

The Council put forward 3 Liveable Neighbourhood bids last year for TfL funding and we were pleased to receive funding for one of these schemes. This was for Freemasons Road area. However, we also received high commendation from TfL on the quality of the other 2 bids, which would have been funded had more funding been available. You would be pleased to know that our 3 bids were among the top 10 submitted by local authorities to the TfL.

The Freemason’s Road scheme was successful in securing funding from the programme, and we are engaging with residents now on a package of potential measures for the area that will be included in our submission for 2nd stage implementation funding in October this year. We are hopeful that a substantial award will be made to allow us to advance the scheme in earnest in 2020/21.

Given the local support for the joint LBWF scheme in the Forest Gate North and Cann Hall areas by residents of both boroughs, we do indeed intend to resubmit our joint bid with colleagues from LBWF again this year – and although TfL have already advised us that our bid needs no additional work and will automatically be submitted for consideration again this year, we intend to undertake some further engagement with residents and develop some more illustrative designs to update our bid and demonstrate our joint working capabilities with funding already set aside in our Local Implementation Plans. This should make our submission even stronger, and we are very hopeful of a successful outcome for this scheme this year.

The bid is to be submitted by 31st October, with a decision from TfL likely in January 2020.

Officers and I remain committed to work with local Ward Councillors and key local stakeholders to identify and develop further bids to the Liveable Neighbourhood programme in future years.

In addition to the separate TfL-funded Liveable Neighbourhoods programme, the Council also has an allocation for ‘safe and healthy’ neighbourhoods in our LIP for the next three years, which seek to address through traffic in residential areas and deliver the same behavioural and climate change outcomes but over a smaller residential area and with ‘lighter touch’ measures.

**17. Questions by the Public**

In accordance with Council Procedure Rule 26 (Questions by the Public), the following questions were submitted by members of the public:
Question 1 – from Davide Restifo to Councillor James Asser

“I live in East Ham and I do believe that the north east neighbourhood doesn't have many trees. London has been crowned the world's first National Park City this year, but I wish it would be so in East Ham too. Can we please plant more trees?”

Published Response

We are committed to planting more trees and are looking at options to do so. We have already worked with Trees for Cities to plant an orchard and are currently working with them and other bodies to look at future options and potential funding. Investment in trees is important both in terms of improving our air quality but also creating a better local environment. We are keen to hear from local residents who have suggestions of where we could plant more trees in their neighbourhood.

Question 2 from Resident to Councillor Zulfiqar Ali

“Can individual house permits be introduced so that you can get a box put outside your house where only you can park? I certainly would pay for this option as houses on my road have multiple cars and I am often left struggling to find a place to park.”

Published Response

the Council, when acting in its role as the Highway Authority, often receives requests similar to this, it is not legally allowed to dedicate a part of the public highway to any individual person or premises. The issue of properties with multiple vehicles and the limited availability of parking space is a challenging one. There is currently a review of all Parking Policies and Procedures underway that will seek to try to increase parking bays where possible by reviewing length of yellow lines where safely possible. This is intended to locate parking provision in a fair and equitable way whilst encouraging people to consider the use and ownership of vehicles in their daily lives and the associated environmental and safety impacts.

Question 3 – withdrawn by questioner

Question 4 from Aftar Ahmed to Councillor Zulfiqar Ali

“Does the borough have an air pollution related target and, if so, does this lead to an increased funding from the Mayor/Central Government? What involvement have the local councillors had in this scheme and why were they not notified to feedback and start a dialogue with their respective wards?”
Published Response

Air Quality objectives are set by national government who hold the legal responsibility. However under Local Air Quality Management requirements, Newham like all local authorities (LAs) must develop actions to reduce air quality and most recently launched its Air Quality Action Plan consultation

https://www.newham.gov.uk/Pages/ServiceChild/Air-pollution-consultation.

While there is no increased funding from central government to help LAs meet nationally set Air Quality objectives; there are some grants that councils can access such as the Greater London Authority (GLA) recently launched £4m Good Growth Fund which is ring-fenced for air quality schemes. Additionally, the GLA is developing a new CAB (Cleaner Air Borough) award scheme, and the application requirements and criteria will be published later this year. Councillors in Little Ilford, East Ham North and Manor Park wards were all informed at various stages before implementation of the pilot experimental Browning Road scheme, including during development stage. Members will remain engaged throughout the entire pilot experiment period so that they are better informed of the pilot including key issues emerging from residents in their wards. Browning Road has had a long-term Nitrogen Dioxide monitor in place. Over the 2000 – 2017 period, the data shows that there have been successive breaches in air quality requirements - in excess of the EU levels for human health.. More details can be found in our 2018 Air Quality Strategic Review on our website at https://www.newham.gov.uk/Documents/Environmentandplanning/AirQualityAnnualStatusReport.

Question 5 from Imran Asghar to Councillor Zulfiqar Ali

“In regards to Browning Road Bridge - what is the cash generated from fines going to be used for - If this is for quality of air for local residents then what measures have been taken?”

Published Response

The aim of the Browning Road experimental pilot scheme is to reduce through traffic, so that environmental conditions, air quality and road safety can be improved in the area. Additionally, the experimental pilot seeks to promote use of public transport and walking. We expect compliance will be high as a majority of vehicles presently using that route will no longer be permitted to use the route. As with other traffic and parking contraventions, if some unauthorised vehicles do chose to ignore the road signs and restrictions, then in line with section 55 of the Road Traffic Act, fines will be issued. Money generated can only be used to reinvesting public highways related maintenance and improvements including those that improve safety and health benefits.
Question 6 from Adeel Patel to Councillor Zulfiqar Ali

What actual research has taken place for the implementation of restricted usage of the Browning Road Bridge? Where is the evidence? Why has this not been disclosed? Previously, similar pilot schemes have run (Sherrard Road); this was made permanent with no consultation. As a result, we want to know what happens during these 6 months, what consultations take place during and after and how will the final decision be made?

Published Response

Prior to implementing the pilot experimental schemes on Browning Road, vehicle travel data was collected which identified over 3600 vehicles using the Browning Road bridge as a short cut through the area (the majority of these vehicles were from outside of the borough). Additionally, evidence from the Newham Long Term Condition Mapping Report (produced by the NHS which shows that East Ham North ward area has significantly high incidents of asthma) was considered; as was ratified NO2 results from 2002 - 2017 (which shows that NO2 pollution levels on Browning Road are well above safe limits); both alluding to amongst the worst air quality in Newham.

Based on this evidence, the Council identified the area as a prime site for implementing a ‘traffic cell’ approach as part of its commitment to the ‘liveable neighbourhood’ and ‘liveable streets’ agenda being pursued by the Mayor of London (as integrated in the Council’s Local implementation Plan). The traffic cell approach proposes controls in a local area that limits the number of vehicles passing through a designated cluster of residential streets. This improves traffic flows, road safety and helps reduce vehicle emissions that will help improve the health and wellbeing of residents.

This scheme is designed as an experimental Traffic Management Order. The whole purpose of this is to introduce a scheme for a set duration and the formal consultation process starts from the day it is implemented and lasts its entire duration of 6 months. The comments of support or objections or suggestions received are properly considered before any decision on the future of the scheme. An experimental scheme of this nature can legally be in place for a maximum period of 18 months before it is made permanent, amended or removed. Additionally the Council is going to be undertaking further traffic data studies and air quality data collection. We will then at a later date write to all of the affected residents within the EHN, LI and Manor park wards, providing details of the data collected, investigations and feedback received. We will invite suggestions for any further changes or amendments. A report will then be produced detailing all responses and data with recommendations regarding the future of the scheme. Views of ward councillors will be considered as part of the on-going consultation process.
In accordance with Rule 9 (Duration of Meeting), the remainder of the business was not considered since the meeting was required to conclude at 9.30pm.

Accordingly, the Chair declared the meeting closed at this point.

18. **Speeches from Members**

This matter was not considered.

19. **Conclusion of Business of Council Meeting**

There being no further business the Chair declared the meeting closed.
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LONDON BOROUGH OF NEWHAM

COUNCIL

Report title | Review of Polling Districts and Polling Places 2019
---|---
Date of Meeting | 14 October 2019
Lead Officer and contact details | Yasmin Khanum
Yasmin.khanum@newham.gov.uk
0203 373 2794
Director, Job title | Daniel Fenwick Director of Legal and Governance
Lead Member | Rokhsana Fiaz OBE, Mayor of Newham
Key Decision? | Yes Reasons: The representation of the people Act 1983 section 18D requires that local authorities designate the polling places within their parliamentary constituencies.
Exempt information & Grounds | No Grounds:
Wards Affected | All
Appendices (if any) | 1. Map of all Polling Stations with all proposed changes
2. Public Notice of Polling Station Review
3. List of consultees and timeline.

1 Executive Summary
1.1 This report asks Council to review the findings of the current review of Polling Districts and Places in Newham and to agree the minor changes set out in the recommendations. It is a statutory requirement to complete a review by 31 January 2020. Members should also note that this is an entirely independent statutory obligation to the current Ward Boundary Review and consequently a further review will have to take place after the Boundary Review is completed. For this reason, the current review will be “light touch”, addressing necessary changes only to be applied to the electoral register published on 1 December 2019 and all elections before May 2022 (when the new ward boundaries will take effect).

2 Recommendations
2.1 For the reasons set out in the report, Council is recommended to agree that the current arrangements for Polling Places and Stations at Appendix 1 remain in place save for the following changes to polling stations within the borough:

2.1.1 East Ham Central (EECB) The Hub at Hartley Primary School, Hartley Avenue, London E6 1NT be used as a Polling Place in Polling District EECB replacing The Salvation Army, 42 Wakefield Street, London E6 1NQ.
2.1.2 **East Ham North (EENA)** The Katherine Road Community Centre, 254 Katherine Road, London E7 8PN be used as a Polling Place in Polling District EENA replacing Newham Registrar’s Office, Passmore Edwards Building, 207 Plashet Grove, London E6.

2.1.3 **Green Street West (WGWB)** The Plaistow Seventh Day Adventist Church, 97 St. Antony’s Road, London E7 9QB be used as a Polling Place in Polling District WGWB replacing Campbell Hall, Elmhurst School, Upton Park Road, London E7 9PG.

2.1.4 **Stratford and New Town (WSNB)** Community Road Community Centre, Community Road, London E15 1JT be used as a Polling Place in Polling District WSNB replacing Colegrave Primary School, Henniker Road, London E15 1JY.

2.1.5 **Stratford and New Town (WSNE)** Get Living London, 5 Celebration Avenue, London E20 1DB to remain as a polling place but to approve Timber Lodge as an alternative polling place.

2.1.6 To agree that the following Polling Places be changed from single station to double stations if and when there are more than 2,500 registered electors at the station, in line with Electoral Commission guidance:

- a) **EBED** – Gallions Primary School, Warwall, London E6 6WG.
- b) **EECC** – Newham Town Hall, Barking Road, London E6 2RP.
- c) **EECD** – St Michaels School Sports Hall, Howard Road, London E6 6EE.
- d) **ERDD** – Thames Barrier Park Pavilion Café, North Woolwich Road, London R16 2HP.
- e) **WCNA** – Gainsborough Learning Centre, 1 Hamilton Road, London E15 3AE.
- f) **WCSB** – St Lukes School, Ruscoe Road, London E16 1JB.
- g) **WCSC** - Keir Hardie Methodist Church, 14 Plymouth Road, London E16 1PA.
- h) **WSNF** – Albert Bigg Point, Godfrey Street, London E15 2SE.

3 **Background**

3.1 Under the Electoral Registration and Administration Act 2013, every Council in England and Wales must undertake and complete a review of all of the polling districts and polling places in its area within a 16 month period commencing from 1 October 2018 to 31 January 2020. Following each election, officers review the running of the election and specifically look at any issues that have arisen in relation to the polling places.

3.1.1 The aims of the review are to ensure that:

- As far as possible, polling places are accessible to all, especially those with mobility problems.
- Polling places fall within the polling district wherever possible.
• Account is taken of justifiable complaints by electors, and any responses received from this consultation.

3.1.2 Due to the negative impact of potential school closure for the day, officers always try to find alternatives to using schools as polling stations or where they are used arrangements are made that schools can stay open. However, in some densely populated residential areas, schools remain as the only available building that meet the requirements above.

4 Key Considerations and Proposals

4.1 Public Notice of commencement of the Polling District and Station Review was published on Newham’s website on 22 July 2019 with a four-week consultation period ending on 16 August 2019, A list of those consulted is attached as Appendix 2.

4.1.1 Only two comments were received during the consultation period. One to confirm that no changes were required in respect of the polling place Manor Park Methodist Church Hall within Polling District EMPD and the other from a ward Councillor requesting that the following points be investigated:

<table>
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<tr>
<th>Consultation response</th>
<th>Management response</th>
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<tr>
<td>WSNG &amp; WSNC: still concerned that the WSNC Polling Station Carpenters and Docklands Centre is a more difficult walk than the WSNG Polling station the Chobham Academy for residents of Glasshouse Gardens E20</td>
<td>These points have been noted and will be considered at the conclusion of the Ward Boundary Review, to assess for potential impact on the new warding pattern.</td>
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<td>WSNC &amp; WSNF in Canning Road E15: the two converted office blocks are in different Polling Districts. I would expect that Max House would find it easier to vote in the same place as Channelsea House.</td>
<td>These points have been noted and will be considered at the conclusion of the Ward Boundary Review, to assess for potential impact on the new warding pattern.</td>
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<tr>
<td>ERDA &amp; ERDD: residents of new dwellings in Knights Road and North Woolwich Road might find it easier to vote in the same place as those on Bradfield Road.</td>
<td>These points have been noted and will be considered at the conclusion of the Ward Boundary Review, to assess for potential impact on the new warding pattern.</td>
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The polling places listed below are no longer available, so alternatives have been found within the Polling Districts as follows:
4.1.2 **East Ham Central (EECB)** The Salvation Army has closed down therefore the Hub at Hartley Primary School was used at the European Parliamentary Election in May 2019. The Hub is located within a very short distance and worked well at the recent election, this also enabled the school to remain open. It is recommenced that this change to Polling Place venue be continued.

4.1.3 **East Ham North (EENA)** Newham Registry Office is no longer available therefore the Katherine Road Community Centre was used at the European Parliamentary Election in May 2019. Although geographically located at the edge of the Polling District, no complaints were received and the venue worked well. It is recommenced that this change to Polling Place venue be continued.

4.1.4 **Green Street West (WGWB)** Campbell Hall, Elmhurst School was unavailable for the European Parliamentary Election in May 2019, due to extensive building works taking place. In addition there have been issues with this venue in the past in relation to this very large primary school remaining open whilst Polling takes place. The Plaistow Seventh Day Adventist Church at 97 St Antony’s Road was used as a Polling station at the last election and although geographically located at the edge of the Polling District. No complaints were received and the venue worked well. It is recommenced that this change to Polling Place venue be continued.

4.1.5 **Stratford and New Town (WSNB)** Colegrave Primary School was unavailable at the European Parliamentary Election in May 2019. The Community Road Community Centre was used as an alternative and worked well. It is recommended that this change to Polling Place be continued and avoids the closure of a school.

4.1.6 **Stratford and New Town (WSNE)** Get Living London. Currently this Polling Place is working well, although it is felt that based on projected electorate figures this venue may not be large enough to accommodate electors during peak periods. It is recommended that the situation is kept under review and that if required Timber Lodge be approved as an alternative

5 **Policy Implications and Mayoral Priorities**

   a. The Review is based on statutory criteria, which are entirely apolitical

6 **Alternatives Considered**

7 The review is a statutory requirement. As stated, a “light touch” review was carried in view of the impending boundary review outcome.

8 **Consultation**

   Appendix 1 sets out the consultees and the body of this report sets out the consultation responses and the management response.
9 Implications

a. Financial Implications

Any increase in the amount of polling stations would incur additional costs in terms of building hire, equipment and polling station staff. The cost incurred from using Council maintained buildings is limited to covering heating, lighting and cleaning costs.

These costs are met by the Council only when used for Council elections or by-elections, which can be found within budget.

b. Legal Implications

There is a legal requirement to complete a full polling district review by 31 January 2020. The proposals ensure that polling places and stations meet statutory requirements.

The Representation of the People Act 1983 section 18D requires that local authorities designate the polling places within the Parliamentary Constituencies. Under the Representation of the People Act 1983, Returning Officers have the right to use certain public buildings (including schools that receive public funds) for use as polling stations at elections.

c. Equalities Implications

It is an express purpose of the review is to ensure that all eligible electors can access a polling station. All existing Polling Stations had an accessibility checklist completed at the European Parliamentary Election held in May 2019.

Electoral services considered a review of all possible places and used a suitability access checklist this checklist take into account Scope recommendations and Electoral commission guidance.
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EECB – Polling Station Changes

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EENA – Polling Station Changes

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WSNB – Polling Station Changes

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Appendix 2 – Notice of Review of Polling Districts and Polling Places

London Borough of Newham

Notice of Review of Polling Districts and Polling Places

Section 18C (4) of the Representation of the People Act 1983. The Electoral Registration and Administration Act 2013

Notice is hereby given that the above regulations require each relevant authority to carry out periodical reviews of Polling Districts and Polling Places.

Therefore, it is intended to commence a review and invite representations and comments from interested persons. Local political parties and councillors will be consulted and submissions are invited from residents. The formal consultation period will begin on Monday 22 July 2019 and will end on Friday 16 August 2019.

A current list of Polling Stations, descriptions and maps of the current Polling District boundaries are available for viewing at the Electoral Services Office, details below.

[Signature]
Athsia Loderick
Chief Executive,
Electoral Registration
Officer & Returning Officer

18 July 2019

Please direct all representations and enquiries to:

Polling District Review
Electoral Services
Town Hall, Barking Road
London
E6 2RP

Email: elections@newham.gov.uk
Telephone: 020 3373 2794

Published by Newham Electoral Services, Newham Town Hall, Barking Road E6 2RP
## Appendix 3 - Timeline

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<tr>
<td>22 July 2019</td>
<td>Public Notice of commencement of the Polling District review</td>
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| 22 July  to 16 August 2019 | Proposals deposited at public libraries in the Borough, the Election Services Office, also on the Councils website. The following parties have been advised of the Review taking place and the Consultation Period:  
  - All Ward Councillors  
  - Greater London Assembly Member for City and East Constituency.  
  - Members of Parliament for the East and West Ham Constituencies.  
  - Members of the European Parliament for the London Region  
  - Local Political Parties  
  - Persons who are considered to have particular interest in the premises or facilities used for voting  
  - Relevant Community Groups within the Borough |
| 14 October 2019     | Final recommendations to be put before full Council 14 October.     |
| 1 December 2019     | Publication of Register including any amended polling districts      |
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1 Executive Summary

1.1 As a response to concerns that the existing required contract award criteria, as set out in the Council’s Contract Standing Orders (CSOs), does not always lead to a satisfactory outcome within a tender process, a review has been undertaken to identify and recommend an alternative approach that is relative and proportionate to any public contract to be awarded, and appropriate for the differing types of goods and services the Council procures.

1.2 The CSOs currently state tenders will be evaluated against predetermined best price-quality ratio of 70% cost and 30% quality weighting to identify the most economically advantageous tender. It is proposed within this report to implement an alternative price-quality ratio to be applied to contracts to be awarded within the Council.

1.3 A ‘framework’ approach based on the Kraljic Matrix (1983), recognised by the
Chartered Institute of Purchasing and Supply, is proposed that segments the Council’s requirements based on a range of factors including business criticality, market competition and financial impact.

1.4 Differing price/quality splits have been recommended within each segment to support delivery of value for money to secure the best mix of quality and price for the Council, alongside delivery of the Council’s Community Wealth Building Strategy, the Council’s wider Corporate Priorities, Principles and KPIs as set out in the Corporate Plan, and, as required by the Public Contracts Regulations 2015 (PCR), the award of a most economically advantageous tender (MEAT).

1.5 A review of the new approach is also proposed to incorporate any lessons learned.

1.6 This report is to be read in conjunction with the Council’s proposed Community Wealth Building Strategy.

2 Recommendations

2.1 For the reasons set out in the report, Cabinet recommends for Council to approve:

2.1.1 The replacement of the current 70/30 price/quality split within the Contract Standing Orders (CSOs) to a more strategic and proportionate approach ensuring adequate scrutiny is undertaken in selecting the appropriate price/quality mix in line with the framework for future procurement activities.

2.2 As a result, Council is also recommended to agree that the current CSO wording relating to the required price-quality split, reproduced in section 4.14 below, is replaced with that contained in section 4.15 below.

3 Background

3.1 The existing Contract Standing Orders (CSOs) Rule 22.3 states that (aside from some limited exceptions):

Tenders will be evaluated against pre-determined best price-quality ratio of 70% cost and 30% quality weightings

3.2 Whilst this ratio is clearly suitable for a significant number of the council’s tenders, it is recognised it does not always provide sufficient flexibility for complex (or indeed very simple) requirements and does not take sufficient
account of market conditions that will affect supply

4 Key Considerations & Proposals

4.1 Contracting authorities have flexibility of choice in selecting their price and quality split evaluation model but in accordance with the Public Contracts Regulations 2015, Regulation 67, contracting authorities shall base the award of public contracts on the most economically advantageous tender assessed from the point of view of the contracting authority.

4.2 For each procurement undertaken, every award criterion used must be linked to the subject matter of the contract where they relate to the works, supplies or services to be provided under that contract in any respect and at any stage of their life cycle.

4.3 Through the method to be used, the Council must comply with the general principles of equal treatment, transparency, non-discrimination, relevance and proportionality.

4.4 The proposed framework will ensure the weightings attributed to cost and quality are based on a number of factors to be considered which include:

- Level of competition in the market: the number of alternative sources of supply that exist.
- Switching costs: the ease with which contracts can be moved from one supplier to another.
- Impact on the organisation of supplier failure.
- The complexity of specifications.
- Financial impact on the authority: the extent to which the size of the spend in question may offer commercial/procurement opportunities for the Council (and support its savings agenda) or conversely an adverse financial impact if the contract does not deliver value for money.
- The extent to which the requirements are strategic or support the Council’s Priorities.

4.5 Adopting a framework approach (based on Kraljic supplier segmentation matrix), as described below will allow these considerations to be grouped into four categories, each with suggested price/quality ratios to inform decision making.

4.6 Directorates, whilst working alongside Procurement and Finance teams, will clearly identify, define and recommend their proposed award criteria by
addressing the best mix of quality and price in line with the defined categories below, setting this out within pre-procurement decision reports.

4.7 **Routine – low complexity, low spend, well defined specification:** The first category can be classed as ‘routine’. Generally this would focus on the purchase of standardised goods or commodities, or where the authority can clearly define its specification by reference to well-defined standards, and the number of suppliers in the market will generate reasonable competition. This will be characterised by simple/low complexity requirements with relatively low spend, where there are many alternatives/sources of supply and demand can easily be switched from one to another. Typical areas of spend will include for example; courier services, stationery, general maintenance suppliers, small works, printing, cleaning materials etc. Price and quality ratios in this category would be expected to be 80 price and 20 quality. The risk in this scenario would be a ‘race to the bottom’ on price and receipt of abnormally low tenders. To mitigate this, ‘pass/fail’ questions may be used to ensure bidders are required to meet a minimum threshold and standard in the quality criteria, therefore allowing poor quality bids to be rejected as non-compliant.

4.8 **Leverage - large volumes, high spend, quality scrutiny:** The second category encompasses higher spend areas within competitive markets ‘leverage’ where there is an opportunity to drive buying power through aggregation of volumes (perhaps with other authorities, consortia or via frameworks). Typical areas of spend will include IT equipment, vehicles and temporary staff. However, at the same time, the increased financial commitment requires increased scrutiny of quality to ensure effective delivery of the contract. This is where a 70 price and 30 quality split would be appropriate.

4.9 **Strategic - high spend, complex, quality is key, key residential services:** The third ‘strategic’ category comprises of those goods and services that are absolutely crucial to the organisation and which could have a fundamental impact if the provider was to fail. These are typically high spend with few sources of supply and specifications can be complex. They will include areas such as care provision, housing provision, waste management, highways and larger capital works. Evaluation weightings are likely to range between 60 price and 40 quality, a more even 50 price and 50 quality, and 40 price and 60 quality, to allow for the importance weighted towards quality slightly more when service quality is a key factor and spend is high.

4.10 **Bottleneck – high risk, complex, low spend, uncertainty, quality is paramount:** The last category ‘bottleneck’, which generally considers the greater the level of risk, complexity, uncertainty or potential for innovation, the higher the quality weightings, should be. This may be where the authority has a clear budget, and needs to test what the market can deliver. This could include goods and services that, although spend may be low, are vital to the Council and which might be difficult to obtain, potentially due to a lack of suitable providers. As examples, this may include specialist care provision and specialist...
advisory services. Depending on the criticality & degree of specialisation, evaluation weightings are likely to range from 30 price and 70 quality and 25 price and 75 quality to allow for the importance weighted towards quality when service quality is paramount. To prevent a risk of unaffordable outcomes in the higher quality weightings, the authority can set a financial budget that cannot be exceeded (supported by sound market intelligence).

4.11 The table below provides a summary of the segmentation framework:

Table 1: Price/quality evaluation framework (with indicative Price/Quality splits by category)

<table>
<thead>
<tr>
<th>Category</th>
<th>Price</th>
<th>Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leverage</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>Strategic</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Routine</td>
<td>80%</td>
<td>20%</td>
</tr>
<tr>
<td>Bottleneck</td>
<td>30%</td>
<td>70%</td>
</tr>
</tbody>
</table>

4.12 It is proposed that this model is built into the existing procurement governance and gateway process. It will provide guidance for the service lead and procurement to jointly recommend the appropriate weighting and the approval will be in line with the current scheme of delegation & CSO thresholds.

4.13 Appropriate training and tools will be developed for the Procurement team and service staff which will be made available within the Council’s e-learning suite ‘online’. These will provide clear guidance on what denotes high versus low spend; high versus low risk etc. to aid decision making.

4.14 The current CSOs stipulate that:

‘22.3 Tenders will be evaluated against pre-determined best price-quality ratio of 70% cost and 30% quality weighting.'
22.4 A contract can only be awarded other than on 70% cost and 30% quality, if one of the following exemptions apply:

22.4.1 FRAMEWORK: Where it is considered that the best procurement route is through an existing framework agreement and that does not allow tender evaluation on a 70/30 basis.
22.4.2 RINGFENCED GRANT: Where the procurement will be funded from a specific ring-fenced grant where any underspend would be lost to the Council and a higher quality threshold would enable the grant to be fully spent, i.e. where the Council can afford to purchase higher quality.
22.4.3 INNOVATION: Where a service is a completely new type to the market and the model of delivery is not seen elsewhere in the UK.

PROFESSIONAL ADVICE: Procuring high-level specialist advice’.

4.15 It is proposed to remove these clauses and replace them with the following wording:

‘22.3 The price-quality ratio against which each tender will be evaluated will be determined in accordance with the current price-quality evaluation framework and associated guidance.

22.4 Any recommendation that departs from the framework guidance shall be treated as a waiver except:

22.4.1 where the recommended procurement route is through a framework agreement whereby the contract shall be awarded to the tenderer that has submitted the best tender on the basis of the award criteria set out in the procurement documents for the framework agreement.’

4.16 In addition, it is also proposed that for strategic/high risk procurements, dummy scores are run through the proposed evaluation model in advance of the procurement to ensure it will deliver an appropriate result (and this forms part of the rationale at the governance gateway).

4.17 It is recognised the proposed framework does not specifically address individual associated social value weightings within the quality weighting. This currently forms a separate piece of work underway within the procurement department to develop a social value toolkit and will include guidance on appropriate Social Value weightings to be included (with measures that reflect the Community Wealth Building Priority, in particular). This is the subject of another proposed paper under development.

5 Policy Implications & Corporate Priorities

5.1 This report supports a number of the Mayoral Priorities in the Corporate Plan:
5.1.1 *Priority 3: Community Wealth Building Priority*, by proposing a framework that ensures the evaluation weighting is relevant and proportionate to the particular procurement being undertaken.

5.1.2 *Priority 6: An efficient and effective Council*, by ensuring that the appropriate mix of price and quality is chosen in our procurements to deliver value for money (the most economically advantageous tender).

5.2 The existing CSOs are currently under review and a revised version will, subject to the decision of Full Council, be published later this year; this will incorporate the recommendations in this paper, amongst other changes.

6 Alternatives considered

6.1 N/A

7 Consultation

7.1 **Name of Lead Members consulted**:  
Councillor Terence Paul, Cabinet Member for Finance and Corporate Services  
Councillor John Gray, Deputy Mayor (Statutory) and Cabinet Member Housing Services

8 Implications

8.1 Legal Implications

8.1.1 The recommendation in this report is for Full Council to approve a change to the Contract Standing Orders. That is to adopt a modification to move to a more strategic approach to setting the criteria to identify the Most Economic Advantageous Tenderer depending on the type of procurement being sought while taking into account the market on a case by case basis.

8.1.2 The Council is able to adopt the suggested framework which meets the requirement of the Public Contracts Regulations 2015 and the Treaty on the Functioning of the European Union 1957 principles of acting fairly, transparently and in a non-discriminatory way.
8.2 Equalities Implications

8.2.1 Newham Council spend each year on buying goods, works or services from other providers across a wide sector and whilst doing so, must pay due regard to meeting the duties outlined within the Equality Act 2010 and specifically the Public Sector Equality Duty. This spending power will be used as a means of advancing equality and eliminating unlawful discrimination by building community wealth through greater weighting on contract quality.

8.2.2 For routine contracts of low complexity, low spend and a well-defined specification which use a pass or fail criteria to ensure bidders meet a minimum threshold, equality, diversity and inclusion considerations (proportionate to the spend) should be taken into account. Current standard selection questionnaires include questions for declaring breeches of social obligation:

‘In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.

‘In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK)’.

These questions provide assurance that breaches which have been investigated and taken to tribunal are disclosed with future mitigating actions in place. For larger spend, more complex contracts, with opportunities to build community wealth the Council will benefit from applying further scrutiny and incorporating questions to evidence the outcome of bidders’ commitment to equality, diversity and inclusion:

8.2.3 Higher spend areas within competitive markets ‘leverage’ where there is an opportunity to drive buying power through aggregation of volumes e.g. IT equipment, vehicles and temporary staff may involve contractors’ staff interacting with the Council’s staff and residents. The Council requires further assurance that companies are supporting the Council to meet its public sector equality duty, including the provision of evidence and meeting KPIs.

8.2.4 Strategic - high spend; complex, quality contracts provide the opportunity to deliver wider community benefits, such as, developing work placements and job opportunities for underrepresented groups in the job market- e.g. disabled people. These benefits could be captured within qualitative measures and form part of contract specifications.
8.2.5 High risk, complex, low spend, uncertainty, contracts where quality is paramount might require assurance of a detailed understanding of equality issues relevant to the contract and would form part of the qualitative measures.

8.2.6 All updated policies associated with this proposal will be developed using equality analysis to build in EDI considerations.

8.3 Finance Implications

8.3.1 This report proposes changes to the Council’s evaluation framework for the procurement of goods and services. The exact financial consequences of it will therefore only be developed over time as procurement exercises are conducted. However, generally speaking, by placing lesser weighting on price than the current standard 70%, as is envisaged for a number of procurements will tend to lead to contractors placing greater emphasis on the qualitative aspects of their bids and becoming less incentivised to focus on submitting the lowest prices possible. The reverse of course is true for those contracts where an 80/20 evaluation weighting is proposed, but those are generally expected to be lower in value and/or frequency.

8.3.2 The headline consequence of this will be higher prices than the Council might otherwise have procured, but it is important to note the mitigations that will also apply. A greater focus on quality, and less on price, will tend to discourage contractors putting in unreasonably low tenders and seeking subsequently to recover their position by seeking to charge for extras during the lifetime of the contract, so the risk of hidden costs such as these is likely to be reduced. It is also the case that through intelligent commissioning and procurement the Council can still seek to achieve financial savings in its procurement activity, and higher quality services will also tend to have other unquantifiable financial benefits, such as reduced cost of dealing with complaints arising from lower quality work.

8.4 Other Implications relevant to this report:

N/A
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Executive Summary

1.1 This report seeks Council approval to update the part of the Constitution that sets out the rules for the employment of Council officers. The changes reflect areas for development arising out of the recent first phase of the Corporate Restructure and to allow the changes to take effect in the second phase, which commences this month.

Recommendations

2.1 For the reasons set out in the report, Council is recommended to agree the amended Officer Employment Procedure Rules (the Rules) set out in Appendix 1 to have immediate effect.

2.2 To agree that the Director, Human Resources & Organisational Development will provide guidance for members on their involvement in the processes covered by these Rules and to design appropriate training for members.

2.3 Council is asked to note that the Director, Legal & Governance will make the amendments and publish the updated Constitution on the Council’s website as soon as reasonably practicable.

Background

3.1 All local authorities are required by law to adopt mandatory standing orders in their constitutions that relate to the employment of officers. These rules date back to 1993 (and are currently found in the Local Authorities (Standing Orders)
Regulations 1993/202 as amended and the Local Authorities (Standing Orders) (England) Regulations 2001/3384 as amended) and set out mandatory rules for the involvement of councillors in the employment of officers.

3.2 In summary, the Rules set out the following legal requirements:

3.2.1 All matters relating to the employment of officers are delegated by law to the Chief Executive, unless a legal exception applies – as set out below;

3.2.2 The appointment of the Chief Executive (as head of paid service) is a decision that must be approved by full Council;

3.2.3 The appointment of other chief officers or deputy chief officers may be member (sitting as a committee) or officer level decisions;

3.2.4 All proposed appointments of chief officers or deputy chief officers are subject to a process whereby Cabinet members may object to the appointment of an individual and this needs to be considered by the appointing committee or officer (but can’t overturn a decision);

3.2.5 Disciplinary action and dismissal of chief officers and deputy chief officers may be member (sitting as a committee) or officer level decisions;

3.2.6 Specific rules for taking disciplinary action against or the dismissal of the head of paid service, chief finance officer and monitoring officer.

3.2.7 Specific rules for the appointment of mayoral and political assistants.

3.3 Chief Officers include statutory director posts and those reporting to the Chief Executive. Deputy Chief Officers are those reporting to Chief Officers. Clerical staff are excluded from these definitions.

4 Key Considerations & Proposals

4.1 Following the adoption of the new corporate structure in April, the Council has undertaken an ambitious and successful programme of recruitment to its senior management team. In addition to the appointment of Althea Loderick as Chief Executive, five out of six appointments have been made to Corporate Director posts, leading to the creation of a strong permanent corporate management team for the first time in a number of years.

4.2 The successful process has identified areas where it is sensible to update the Rules.

4.3 This intensive recruitment campaign has involved member panels for each recruitment process and a significant impact on members' time and availability for other tasks. The current rules require all Chief Officer and Deputy Chief Officer appointments to be made by member panels. It is appropriate to have member involvement in decision making at Chief Officer and Chief Executive level. However, the new structure would require over 30 additional posts to be appointed by members. This would create a disproportionate burden on members' time and resources.

4.4 It is therefore proposed that the rules are amended so that only posts graded at SMR (D) and above are member level appointments. This includes all posts graded as Directors or Corporate Directors, which would be the appropriate
level for direct member involvement. In addition, members can be involved in recruitment processes as stakeholders and consultees rather than decision makers.

4.5 Therefore members would appoint the following posts:

4.5.1 Chief Executive (with full Council approval)
4.5.2 Corporate Directors
4.5.3 Executive Director oneSource and oneSource Directors (via the oneSource Joint Committee)
4.5.4 The following Director posts:

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inclusive Economy &amp; Housing</td>
<td>Planning &amp; Development</td>
</tr>
<tr>
<td></td>
<td>Housing</td>
</tr>
<tr>
<td></td>
<td>Community Wealth Building</td>
</tr>
<tr>
<td>Resources:</td>
<td>Council Tax &amp; Benefits</td>
</tr>
<tr>
<td></td>
<td>Strategic Investment</td>
</tr>
<tr>
<td>People, Policy &amp; Performance</td>
<td>Change &amp; Programme Management Office</td>
</tr>
<tr>
<td>Adults &amp; Health</td>
<td>Commissioning Health &amp; Social Care</td>
</tr>
<tr>
<td></td>
<td>Operations</td>
</tr>
<tr>
<td></td>
<td>Public Health (n.b. joint appointment with health bodies)</td>
</tr>
<tr>
<td>Children &amp; Young People</td>
<td>Service Improvement</td>
</tr>
<tr>
<td></td>
<td>Operations &amp; Safeguarding</td>
</tr>
<tr>
<td></td>
<td>Education, Inclusion &amp; Achievement</td>
</tr>
<tr>
<td>Brighter Futures</td>
<td>Early Years &amp; Children’s Health</td>
</tr>
</tbody>
</table>

4.6 The Council is fortunate in moving towards a permanent senior management structure but it is also considered appropriate to include provisions for the arrangements for interim or fixed term engagements. This will ensure transparency and openness in the use of interims for the first time in the Constitution.

4.7 The second change is to update the provisions relating to disciplinary action, including dismissal. It is proposed that members are only involved in disciplinary action against Chief Officers i.e. the Chief Executive, Corporate Directors, the Executive Director of oneSource and the Monitoring Officer. This would be a proportionate level of involvement given the direct accountability of corporate directors to the Executive and Council. It also takes into account the considerable amount of time and resources that can be involved in disciplinary action, which can far exceed the involvement in recruitment, and the amount of
training required.

4.8 The final amendment is to update the provisions relating to disciplinary action against the head of paid service (Chief Executive), the chief finance officer (Corporate Director, Resources) and monitoring officer (Director, Legal & Governance). Specific statutory rules apply to these posts that provide additional protection because of their statutory functions to prevent the Council from unlawful expenditure or unlawful action. These mandatory rules were updated recently to provide for the involvement of the “independent persons” appointed by the Council. The amended rules reflect the new statutory provisions.

4.9 If the Rules are approved, the Monitoring Officer will amend the Constitution accordingly and make all consequential changes, including to the terms of reference of the Chief Officer Appointment Committee.

5 Policy Implications & Corporate Priorities

5.1 The new rules promote transparency in the appointment of senior officers in the Council and the use of interims.

6 Consultation

6.1 The Mayor has been consulted with Cabinet members following the recent recruitment campaigns.

7 Implications

7.1 Financial Implications
    7.1.1 The changes do not have financial implications.

7.2 Legal Implications
    7.2.1 The body of the report contains the legal implications. The Rules combined with the Council’s Recruitment Policies ensure that the statutory requirement to appoint all officers on merit under s.7 of the Local Government & Housing Act 1989 is met.

7.3 Equalities Implications
    7.3.1 The amendments reflect statutory requirements. All recruitment processes comply with the Council’s policies and procedures which ensure non-discriminatory treatment on unlawful grounds.

7.4 Other Implications relevant to this report:
    7.4.1 The report notes the human resources implications. The guidance provided by the Director of Human Resources & Organisational Development will be non-constitutional.

8 Background Information used in the preparation of this report

8.1 None.
OFFICER EMPLOYMENT PROCEDURE RULES

1 PURPOSE

1.1 These rules:

1.1.1 set out the general principles and requirements in relation to the appointment and dismissal of, and taking disciplinary action against, officers;

1.1.2 define the role of the Mayor, Members, officers and others in the employment of Council officers; and

1.1.3 incorporate the mandatory standing orders relating to the employment of officers that apply to all local authorities and set out in the Local Authorities (Standing Orders) Regulations 1993 (as amended) and the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

1.2 These rules are supplemented by Operational Guidance and/or HR Procedures issued by the Chief Executive and/or the Director of Human Resources and Organisational Development from time to time.

1.3 Any changes to these rules will be approved by Full Council but the Chief Executive is authorised to make minor changes to ensure that the rules remain accurate, relevant and up to date. For example, the Chief Executive may update job titles or grades to reflect the management structure of the Council current at the time.

2 RECRUITMENT AND APPOINTMENT

Declarations

2.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, the Mayor or officer of the Council; or of the partner of such persons.

2.2 No candidate so related to a councillor, the Mayor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

Seeking support for appointment
2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member or the Mayor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

2.4 No Member will seek support for any person for any appointment with the Council.

Recruitment of Chief Executive and Chief Officers

2.5 Where the Council proposes to appoint the Chief Executive or a Chief Officer and it is not proposed that the appointment be made exclusively from existing officers, the Council will:

2.5.1 draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;

2.5.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

2.5.3 make arrangements for a copy of the statement mentioned in sub-paragraph (i) to be sent to any person on request; and

2.5.4 make arrangements for at least a short list of qualifying applicants to be interviewed.

Appointment of Chief Executive

2.6 Full Council will approve the appointment of the Chief Executive (as the Head of Paid Service) following the recommendation of such an appointment by the Committee or Sub-Committee.

2.7 The Corporate Director of Resources and / or the Director of Legal & Governance (as statutory officers) will be responsible for the functions set out at 2.5 for the appointment of the Chief Executive.

Appointment of Chief Officers and Deputy Chief Officers

2.8 The Chief Executive will be responsible for the functions set out at paragraph 2.5 following consultation with the relevant Cabinet Members and / or Mayor.

2.9 The Committee (or a sub-committee) will be responsible for the appointment of the following posts:

2.9.1 Chief Officers; and

2.9.2 Deputy Chief Officers graded at SMR D or above (or any subsequent pay grade adopted of the same or similar value).
2.10 The Chief Executive will be responsible for the appointment of all other Deputy Chief Officer posts (or other posts subject to the 2001 Regulations).

2.11 An offer of employment as a Chief Officer or a Deputy Chief Officer will only be made if:
   2.11.1 the procedure set out in Appendix 1 is followed; and
   2.11.2 no well-founded objection has been made by the Mayor or any Cabinet Member.

2.12 An offer of employment as the Director of Public Health will be made in accordance with the additional statutory requirements that apply to this post. In particular, the appointment will be made jointly with the Secretary of State for Health.

Other Appointments

2.13 The Chief Executive is responsible by law for the appointment of all other Council employees.

2.14 Prior to making an appointment of a Deputy Chief Officer post which is graded below SMR D or is not a Director post, the Chief Executive will follow the procedure set out in Appendix 1.

2.15 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group and other requirements prescribed by law.

2.16 Appointment of an assistant to the Mayor will be made by the Mayor subject to such requirements prescribed by law.

Interim or fixed term engagements

2.17 Decisions to engage a Deputy Chief Officer on an interim or fixed term contract will be made by the Chief Executive or the relevant Corporate Director.

2.18 Decisions to engage a Chief Officer on an interim or fixed term contract will be made by the Chief Executive but limited to one year (including any contract extensions). Following such engagement, the Chief Executive will notify the Committee in writing setting out the timescales for a permanent appointment.

2.19 Prior to extending a Chief Officer engagement on an interim or fixed term contract beyond one year, the Chief Executive will report to the Committee.

2.20 The engagement of a Chief Executive on an interim or fixed term basis will be recommended by the Committee or a Sub-Committee for approved by Full Council.
Disciplinary Action

General

3.1 Subject to paragraph 3.5, any proposal in relation to the dismissal or the taking of disciplinary action against the Chief Executive or a Corporate Director will be considered by the Committee or Sub-Committee.

3.2 Any proposal in relation to the dismissal or the taking of disciplinary action against other officers will be the responsibility of the Chief Executive or the relevant officer under the Council’s Scheme of Delegation.

3.3 The Mayor or Members will not be involved in the taking of disciplinary action against or the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary as part of an investigation, inquiry or appeal.

Chief Executive, Monitoring Officer and Chief Finance Officer

3.4 The Committee or Sub-Committee may suspend the Chief Executive, the Monitoring Officer or the Chief Finance Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed if it lasts longer than two months.

3.5 A proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer, as a result of ‘disciplinary action’ (as defined by regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) will be approved at a meeting of Full Council before notice of dismissal is given. Before the taking of a vote at any such meeting, Full Council will take into account, in particular:

   (i) any advice, views or recommendations of an Independent Panel, comprising of at least two Independent Persons, appointed by Full Council for the purposes of advising the Council;

   (ii) the conclusions of any investigation into the proposed dismissal; and

   (iii) any representations from the officer concerned.

3.6 The Independent Panel referred to in paragraph 3.5(i) will be appointed at least 20 working days before the relevant Full Council meeting.

Chief Executive, Chief Officers and Deputy Chief Officers

3.7 Before notice is given of the dismissal of the Chief Executive, a Chief Officer or a Deputy Chief Officer, the notification and objection procedure set out in Appendix 1
will be followed as if references to ‘makes an offer’ and ‘the appointment’ are to ‘the dismissal’ or ‘to dismiss’ as appropriate.

**Director of Public Health**

3.8 The Secretary of State for Health will be consulted before terminating the appointment of the Director of Public Health.

**4 DEFINITIONS**

**Chief Executive** the Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989. Where reference is made to the exercise of a function by the Chief Executive, it includes his/her nominee.

**Chief Finance Officer** the officer having responsibility for the purposes of section 151 of the Local Government Act 1972.

**Chief Officer** an officer for which the Chief Executive is directly responsible or an officer who reports directly to or is directly accountable to the Chief Executive (but not if their duties are solely secretarial or clerical or are otherwise in the nature of support services); an officer who reports directly or is directly accountable to the Council (or a Council committee or sub-committee); the Monitoring Officer or the Director of Public Health.

**Committee** the Chief Officer Appointment Committee or such other relevant Committee.

**Deputy Chief Officer** as defined by section 2 of the Local Government and Housing Act 1989.

**Independent Persons** any appointment under section 28(7) of the Localism Act 2011.

**Mayoral Assistant** any appointment under the Local Authorities (Elected Mayor and Mayor’s Assistant) (England) Regulations 2002.

**Monitoring Officer** the officer designated under section 5(1) of the Local Government and Housing Act 1989.

**Political assistant(s)** any appointment under section 9 of the Local Government and Housing Act 1989.

**Sub-Committee** = any sub-committee appointed by the Council or Committee from time to time.
Appendix 1: Cabinet Objection Procedure

1 This procedure will apply to the appointment of the following posts:

1.1 Chief Executive;

1.2 Chief Officers;

1.3 Deputy Chief Officers;

1.4 Any other post identified by the 2001 Regulations.

2 If the Committee, Sub-Committee or an officer agrees on a candidate suitable for appointment to a post, they will submit their recommendation of an offer of employment to the Chief Executive as soon as practicable in writing.

3 Where the Chief Executive is the appointing officer, they will simply take the steps at 4 onwards.

4 The Chief Executive will then notify each Cabinet Member of:

4.1 the name of the person the Committee, Sub-Committee or officer wish to make an offer;

4.2 any other particulars relevant to the appointment;

4.3 the period within which any objection to the making of the offer is to be made by the Mayor on behalf of the Cabinet, (or a shorter period which will be determined by the Chief Executive in cases of urgency).

5 The notification will be by e-mail and the period of objection will be 2 working days but a Cabinet member or the Mayor may provide a response within a shorter period. If the period of objection is to be shortened, then notification will be by telephone and e-mail.

6 Cabinet members may indicate they have no objection verbally (which will be recorded by the Chief Executive) or in writing (including email). Any objections including the grounds on which it is considered to be well founded must be submitted to the Mayor by a Cabinet member in writing including by email.

7 If:

7.1 the Mayor notifies the Chief Executive that neither s/he or any other Cabinet Member has an objection to the making of the offer; or

7.2 the Chief Executive notifies the Committee or Sub-Committee, as appropriate, that no objection has been received from the Mayor within the objection period;
an offer of employment may be made to the candidate without the need for the Committee or Sub-Committee, as appropriate, to re-convene.

8 If an objection is received from the Mayor, the Committee or Sub-Committee or officer, as appropriate, will re-convene to consider the objection and, if satisfied that any objection received from the Mayor is not material or is not well founded, will confirm its decision and a formal offer will be made. In making this decision, legal and human resources advice must be taken.

9 If an objection is considered to be well founded, the Committee, Sub Committee or officer must take legal and human resources advice on the action to be taken but the appointment may not be made at this time.
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