

# Matters reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council

## Council

### The Full Council

**1. Only the full Council can exercise the following functions:**

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget, including setting Council tax;
- (c) approving the statement of accounts;
- (d) approving any application to the Secretary of State in respect of any Housing Land Transfer;
- (e) appointment of the Mayor;
- (g) appointing the Leader and Members of the Executive;
- (h) approving annually the Allocation of Responsibilities in Part 3 of the Constitution;
- (i) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any Executive functions which are contrary to the policy framework or contrary to or not wholly in accordance with the budget where these have been referred to the Council by the Call In sub-committee;
- (j) agreeing and/or amending the terms of reference for the Committees of the Council, deciding on their composition and making appointments to them;
- (k) adopting the Scheme of Members' Allowances set out in Part 6 of the Constitution;
- (l) appointing the Independent Persons under s.27(7) of the Localism Act;
- (m) conferring the title of honorary alderman or freedom of the borough;
- (n) confirming the appointment of the Head of Paid Service or the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer;

- (o) to confirm the dismissal of the Head of Paid Service;
- (p) deciding whether to reject or uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel;
- (q) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;
- (r) to determine the meaning of "significant" in relation to "key" decisions (Article 6 refers);
- (s) deciding whether to make a delegation of a non-Executive function or accept a delegation of a non-Executive function from another Authority;
- (t) to receive reports and consider recommendations from the Executive, Scrutiny, Governance, Audit, Risk Management and Standards and other Committees as appropriate; and
- (u) making appointments and nominations of Members to outside bodies; and
- (v) all other matters which by law must be reserved to Council.

Note: The items referred to in Schedule 3A -1 in this part of the Constitution may not be the responsibility of the Executive and will be discharged by the Council, one of its Committees or an officer.

# **Committees / Sub-Committees of the Council**

**Appeals Committee**

**Governance, Audit, Risk Management and Standards Committee**

**Health and Wellbeing Board**

**Independent Panel**

**Licensing and General Purposes Committee**

**Chief Officers' Employment Panel**

**Licensing Panel**

**Personnel Appeals Panel**

**Social Services Appeals Panel**

**Overview and Scrutiny Committee**

**Call-In Sub-Committee**

**Call-in Sub-Committee (Education)**

**Health and Social Care Scrutiny Sub-Committee**

**Performance & Finance Sub-Committee**

**Pension Board**

**Pension Fund Committee**

**Planning Committee**

## **Appeals Committee**

The Appeals Committee is comprised of 5 members, including one member of the Executive, who are not also members of the Chief Officers' Employment Panel. The Committee shall hear appeals by the Head of Paid Service, Chief Finance Officer and Monitoring Officer under the relevant disciplinary procedure against action taken against them short of dismissal.

The Committee may uphold the decision or reduce or remove the action.

## **Governance, Audit, Risk Management and Standards Committee**

### **1. Statement of purpose**

- 1.1 The Governance, Audit, Risk Management and Standards Committee is a key component of Harrow Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 1.2 The purpose of the committee is to provide independent assurance to the members of the adequacy of Harrow Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. It also acts as the Standards Committee.
- 1.3 The Governance, Audit, Risk Management and Standards Committee has the following powers and duties:

### **2. Governance**

- 2.1 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- 2.2 To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances and legal and financial advice, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 2.3 To monitor the progress of agreed actions to close significant governance gaps.
- 2.4 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 2.5 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

2.6 To review the governance and assurance arrangements for significant partnerships.

### **3. Risk Management**

3.1 To review the Council's risk management strategy.

3.2 To monitor the effective development and operation of risk management in the council via the review of the Council's Corporate Risk Register on a regular basis.

3.3 To monitor progress in addressing risk-related issues reported to the committee.

### **4. Countering Fraud and Corruption**

4.1 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

4.2 To monitor the counter-fraud strategy, actions and resources and the Council's approach to tackling fraud and corruption and promote an anti-fraud culture.

4.3 To review and approve the annual Corporate Anti-Fraud Team Plan.

4.4 To consider reports from the Head of Internal Audit/ Corporate Anti-Fraud Manager on the Corporate Anti-Fraud Team's performance at mid-year and at year-end.

### **5. Internal audit**

5.1 To approve the internal audit charter and support the independence of Internal Audit.

5.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

5.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

5.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.

5.5 To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.

5.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit.

- 5.7 To approve and periodically review safeguards to limit such impairments.
- 5.8 To consider reports from the Head of Internal Audit on internal audit's performance at mid-year and year-end, including the performance of external providers of internal audit services.<sup>1</sup>
- 5.9 To consider Red and Red/Amber assurance reports and summaries of specific internal audit reports as requested.
- 5.10 To contribute to the Quality Assurance Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 5.11 To consider the report on the effectiveness of internal audit contained within the AGS.
- 5.12 To provide free and unfettered access to the GARMS Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.

## **6. External audit**

- 6.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA).
- 6.2 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 6.3 To consider specific reports as agreed with the external auditor.
- 6.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 6.5 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

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<sup>1</sup> These will include:

- a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
- b) annual report on the results of the internal audit Quality Assurance Improvement Programme (QAIP)
- c) statement of the level of conformance with the Public Sector Internal Audit Standards (PSIAS) and reports on instances where the internal audit function does not conform to the PSIAS, considering whether the non-conformance is significant enough that it must be included in the AGS.
- d) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- e) the level of management response to internal audit recommendations and progress on implementation of recommendations and to recommend action where internal audit recommendations are not being implemented.
- f) the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

- 6.6 To scrutinise/comment on the External Audit plan and fees.
- 6.7 To monitor progress against the External Audit plan and receive summaries of audit work completed and key recommendations.
- 6.8 To review the management response to external audit recommendations and progress on implementation of recommendations.
- 6.9 To recommend action where external audit recommendations are not being implemented.

## **7. Financial reporting**

- 7.1 To review the annual statement of accounts prior to approval and satisfy themselves that appropriate steps have been taken to meet statutory and recommended professional practices. Specifically to:
- review the narrative report to ensure consistency with the statements and the financial challenges and risks facing the authority in the future
  - review whether the narrative report is readable and understandable by a lay person
  - review the key messages from each of the financial statements and evaluating what that means for the authority in future years
  - monitor trends and review for consistency with what is known about financial performance over the course of the year
  - review the suitability of accounting policies and treatments
  - seek explanations for changes in accounting policies and treatments
  - review major judgemental areas, eg provisions or reserves
  - seek assurances that preparations are in place to facilitate the external audit.
- 7.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

## **8. Treasury Management**

- 8.1 To review the Treasury Management strategy and monitor progress on treasury management in accordance with CIPFA codes of practice.

## **9. Health & Safety**

- 9.1 To review the Council's Health and Safety arrangements and oversee progress on Health and Safety.

## **10. Accountability arrangements**

- 10.1 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control

frameworks, financial reporting arrangements, and internal and external audit functions.

10.2 To report to full council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

10.3 To publish an annual report on the work of the committee.

## **11. Standards**

11.1 Promoting and maintaining high standards of conduct by Councillors, co-opted members and "church" and parent governor representatives.

11.2 Assisting Councillors, co-opted members and "church" and parent governor representatives to observe the Members' Code of Conduct.

11.3 Advising the Council on the adoption or revision of the Members' Code of Conduct.

11.4 Monitoring the operation of the Members' Code of Conduct.

11.5 Developing and recommending local protocols to the Council to supplement the Members' Code of Conduct.

11.6 Enforcing local protocols and applying sanctions in respect of breaches as appropriate.

11.7 Advising, training or arranging to train Councillors, co-opted members and "church" and parent governor representatives on matters relating to the Members' Code of Conduct.

11.8 Granting dispensations to Councillors, co-opted members and "church" and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.

11.9 To keep under review and amend, as appropriate, the Protocol on Councillor/Officer Relations.

11.10 To keep under review the Officer Code of Conduct and, after consultation with unions representing staff, make recommendations to Council for amendment or addition.

11.12 To receive reports and keep a general overview of probity matters arising from ombudsman investigations, Monitoring Officer reports, reports of the Chief Financial Officer and Audit Commission.

11.13 To have oversight of the Council's Whistleblowing Policy.

11.14 To agree the policy for decisions on payments to those adversely affected by Council maladministration (under section 92 Local Government Act 2000).



- 11.15 To establish sub-committees and working groups to deal with complaints that a member or a co-opted member has failed to comply with the Council's Code of Conduct.
- 11.16 To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- 11.17 Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.
- 11.18 On referral from the Monitoring Officer, to decide whether to take action against a member for breach of the Code of Conduct and if so, to decide what action should be taken.

## **12. Membership rules**

- 12.1 An Elected Mayor, the Leader or a member of the Executive may not be Members;
- 12.2 The Chair of the Committee must not be a Member of the Executive;
- 12.3 The appointment of co-opted/independent members can be considered;
- 12.4 The Independent Persons are not members of GARMS and shall be invited to meetings only if there is a Standards item on the agenda.

## **Health and Wellbeing Board**

### **1. Accountability**

The Health and Wellbeing Board is set up in accordance with section 102 of the Health and Social Care Act 2012 which makes provision for the Council to establish a Health and Wellbeing Board as a Committee of the Council appointed under section 102 of the Local Government Act 1972. The Council can choose to delegate decision making powers to the Health and Wellbeing Board. Any recommendations are subject to the agreement of the Leader of the Council if they are not covered by the delegated authority.

Members of the Board will be required to abide by the Code of Conduct.

### **2. Purpose of the Board**

2.1. The Health and Wellbeing Board has 3 main functions:

- to assess the needs of the local population and lead the statutory joint strategic needs assessment

- to promote integration and partnership across areas, including through promoting joined up commissioning plans across NHS, social care and public health
- to support joint commissioning and pooled arrangements, where all parties agree this makes sense

The Board covers both adult and children's issues.

- 2.2. The purpose of the Board is to improve health and wellbeing for the residents of Harrow and reduce inequalities in outcomes. The Board will hold partner agencies to account for delivering improvements to the provision of health, adult and children's services social care and housing services.
- 2.3. Scrutiny of the Board's activities will be performed by the Council's Health Scrutiny Committee.

### **3. Key Responsibilities**

- 3.1. The key responsibilities of the Health and Wellbeing Board shall be:
  - 3.1.1. To agree health and wellbeing priorities for Harrow
  - 3.1.2. To develop the joint strategic needs assessment
  - 3.1.3. To develop a joint health and wellbeing strategy
  - 3.1.4. To promote joint commissioning
  - 3.1.5. To ensure that Harrow Council and the CCG commissioning plans have had sufficient regard to the Joint Health and Wellbeing strategy
  - 3.1.6. To consider how to best use the totality of resources available for health and wellbeing.
  - 3.1.7. To oversee the quality of commissioned health services
  - 3.1.8. To provide a forum for public accountability of NHS, public health, social care and other health and wellbeing services
  - 3.1.9. To monitor the outcomes of the public health framework, social care framework and NHS framework introduced from April 2013)
  - 3.1.10. To authorise Harrow's Clinical Commissioning Group annual assessment
  - 3.1.11. To produce a Pharmaceutical Needs Assessment and revise every three years

3.1.12. Undertake additional responsibilities as delegated by the local authority or the Clinical Commissioning Group e.g. considering wider health determinants such as housing, or be the vehicle for lead commissioning of learning disabilities services.

#### **4. Membership**

- 4.1. The Chair of the Board will be nominated by the Leader of Harrow Council; or a nominated deputy.
- 4.2. The voting membership will be:
- Members of the Council nominated by the Leader of the Council (5)
  - Chair of the Harrow Clinical Commissioning Group (vice chair)
  - GP representative of the Harrow Clinical Commissioning Group
  - A further representative of the Harrow Clinical Commissioning Group
  - CCG Accountable Officer or nominee
  - Representative of Healthwatch Harrow
- 4.3. The following Advisors will be non-voting members:
- Director of Public Health
  - Chief Officer, Voluntary and Community Sector
  - Senior Officer of Harrow Police
  - Chair of the Harrow Safeguarding Children and Adult Board
  - Chief Operating Officer – CCG
  - Corporate Director, People
  - Director Adult Social Services
- 4.4. The voluntary and community sector representative shall be nominated by the Voluntary Community Sector Forum on an annual basis.
- 4.5. Board Members are appointed annually. Board Members shall each name a reserve who will have the authority to make decisions in the event that they are unable to attend a meeting.
- 4.6. Board members shall sign a register of attendance at each meeting and should not normally miss more than one meeting within a financial year.
- 4.7. The chair of the Clinical Commissioning Group will serve as the vice chair of the Health and Wellbeing Board.
- 4.8. Key providers in Harrow will be invited to attend meetings as required depending on the subject under discussion.
- 4.9. Other agencies and organisations will be invited as the Integrated Care Partnership (ICP) develops to enable good outcomes to be delivered for Harrow's citizens.

#### **4.10. Participation of the NHS England**

- 4.10.1. NHS England must appoint a representative to join Harrow's Health and Wellbeing Board for the purpose of participating in the Boards preparation of the JSNA and JHWS.
- 4.10.2. The Health and Wellbeing Board can request the participation of the NHS England representative when the Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of NHS England in relation to Harrow.

#### **4.11. Meeting Frequency**

- 4.11.1. The Board shall meet bi monthly subject to review
- 4.11.2. An extraordinary meeting will be called when the Chair considers this necessary and/or in the circumstances where the Chair receives a request in writing by 50% of the voting membership of the Board

#### **4.12. Health and Wellbeing Board Executive**

- 4.12.1. The purpose of the Health and Wellbeing Board Executive is to:
  - Develop and deliver a programme of work based on the Joint Commissioning priorities and the Joint Health and Wellbeing Strategy
  - Shape future years joint commissioning
  - Shape the agenda for future HWB meetings
  - Engage and understand the views of different organisations (including providers)
  - Bring together a collective view of partners and providers to the bi-monthly Health and Wellbeing Board
  - Share Commissioning Intentions and common priorities
  - Govern and quality assure the Health and Wellbeing Board work programme
  - Be aware and discuss emerging policy and strategy
  - Problem Solving
- 4.12.2. The meetings of the Executive will be scheduled to meet before the Board.
- 4.12.3. Membership will consist of senior officer representatives from both the Council and Clinical Commissioning Group, including the Directors of Adults, Children's, and Public Health services, the Chair of Harrow Clinical Commissioning Group,

Accountable Officer, Chief Operating Officer, GP Clinical Directors, and finance officers.

- 4.12.4. The chairing of the Executive will alternate between the council's Corporate Director of People Services and the Chief Operating Officer, Harrow CCG.

#### **4.13. Local Safeguarding Boards**

- 4.13.1. The Council's two Local Safeguarding Boards have a horizontal link to the Health and Wellbeing Board and include:
  - 4.13.1.1. Local Safeguarding Adults Board
  - 4.13.1.2. Harrow Local Children's Safeguarding Board

#### **4.14. Conduct of Meetings**

- 4.14.1. Meetings of the Board will be held in public except where the public are excluded from the meeting by resolution in accordance with Access to Information Act.
- 4.14.2. The quorum of the Board shall be 50% of the voting membership – however there must be attendance of at least one voting member from both the Council and the Clinical Commissioning Group. Should the quorum not be secured the meeting will not take place.
- 4.14.3. Decisions shall be made on the basis of a show of hands of a majority of voting members present. The Chair will have a second or casting vote.
- 4.14.4. Each meeting will have provision for the public to ask questions. There will be a total limit of 15 minutes for the asking and answering of public questions.
- 4.14.5. Harrow Council Democratic Services will service the meetings including the preparation and circulation of agenda and the production of minutes.
- 4.14.6. Minutes of the meetings will be available on the website of the council.
- 4.14.7. The Chair shall sign off the minutes as a true and accurate record of the meeting.
- 4.14.8. Agendas and supporting papers will be available on the website of the council at least five working days before the meeting.

## **Independent Panel**

The Independent Panel shall consist of 2 independent persons appointed under s.27(7) of the Localism Act 2011. The Panel has the following duties:

- (a) to consider reports recommending dismissal made by the Independent Investigator and the Chief Officers' Employment Panel in accordance with the disciplinary procedure applying to the Head of Paid Service, Chief Finance Officer and Monitoring Officer;
- (b) to prepare a report to Council stating whether it agrees or disagrees with the recommendation to dismiss, including its reasons.

## **Licensing and General Purposes Committee**

The powers and the duties of the Licensing and General Purposes Committee are:

- (a) To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (referred to in the Schedule 3A-1) to this document, are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;
- (b) To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) To keep under review and to determine the arrangements for the holding of elections and any referendums within the Borough and to initiate or respond to any proposals to the change of ward, constituency or Borough boundaries;
- (d) The determination of applications under the Council's Personal Injury Allowance Scheme.
- (e) To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:
  - All activities under the Licensing Act 2003
  - Food safety and control.
  - Animal health, welfare, safety and control.
  - Gaming, betting, lotteries and related amusements
  - Crime and disorder issues related to the above duties.

## Chief Officers' Employment Panel

The Chief Officers' Employment Panel, which shall include one member of the Executive, has the following powers and duties:

- (a) to make recommendations to Council on the appointment of the Head of Paid Service;
- (b) to appoint and dismiss Chief Officers, the Director of Children's Services, Director of Adult Social Services, Director of Public Health, excluding the dismissal of the Chief Financial Officer and Monitoring Officer;
- (c) to make recommendations to Council on the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer in cases of redundancy, permanent ill health or the expiry of a fixed term contract;
- (d) to consider whether to impose a disciplinary sanction on a Chief Officer;
- (e) to consider matters and take action as required or permitted under the disciplinary procedure for the Head of Paid Service, Chief Finance Officer and Monitoring Officer including:
  - to suspend such an officer and to review such suspension
  - to appoint an independent investigator, agree terms of remuneration and working methods
  - to appoint external advisers
  - to consider the report of an independent investigator and in relation to that report:
    - to hold a hearing if appropriate to consider the report
    - to impose action short of dismissal on an officer
    - to decide to take no further action
    - to recommend informal resolution or other appropriate procedures
    - to refer back to the independent investigator for further investigation and report to propose dismissal of an officer to Council (in which case the matter should be referred to the Independent Panel prior to referral to Council)
- (f) to decide whether any objections made by a member of the Executive are material and well-founded and, if it decides that they are, to take appropriate action;
- (g) to consider grievances by the Head of Paid Service, and appeals by a chief officer against decisions made by the Head of Paid Service in relation to a grievance made by the officer;
- (h) to approve remuneration packages of £100,000 or over for any Council post; and

- (i) to report back to Council for information purposes on all such approved remuneration packages.
- (j) to approve any severance packages for Officers of £100,000 or over irrespective of the grade of Officer.
- (k) to report back to Council for information purposes on all such approved severance packages.

## Licensing Panel

The Licensing panel has the following powers and duties

- (i) To determine applications and to make Orders in respect of:
  - licences, permits, registrations and certificates;
  - Rights of way, footpaths and bridleways and the enjoyment of the highway;
  - Street naming and numbering;
  - Markets and fairs and other street trading;
  - Car park orders and variations;
  - Registration of common land, town greens and variations of rights of common;

where objections have been received.

- (ii) To determine applications and to make Orders in respect of:
  - Safety certificates for sports grounds;
  - Matters regarding film classification;
  - Rules and Regulations established by the authority;
  - Fees issues within the terms of reference of the Panel;
  - Applications under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982) as amended from time to time.
- (iii) Specific delegations under the Licensing Act 2003 as set out in the Licensing Policy, and the Statement of Principles under the Gambling Act 2005.
- (iv) In the case of alcohol control provisions in the Licensing Act 2003 to determine:

Applications for personal licences where:

- Representations have been made, but remain unresolved.
- Applicants have relevant unspent convictions.

Matters relating to the licensing, certification and authorisation at premises where:



- Representations have been made to an application, but remain unresolved.
- An application is made for the review of a premises licence or club premises certificate.
- Matters of an exceptional nature that in a licensing officer's opinion justify consideration by the Licensing Panel.

[Appeals against decisions of the Licensing Panel must be made to the Magistrates' Court.]

## **Personnel Appeals Panel**

The Personnel Appeals Panel has the following powers and duties:

- To consider and decide upon appeals by employees against dismissals related to misconduct where there is provision for such an appeal in the procedure applicable to the employee.

## **Social Services Appeals Panel**

The Social Services Appeals Panel has the following powers and duties:

- (a) To review in accordance with the Children (Secure Accommodation) Regulations 1991 the keeping of children in secure accommodation;
- (b) In accordance with the Mental Health Act 1983, to decide whether to discharge patients from guardianship;
- (c) In accordance with procedures and guidance given under the Children Act 1989 and the Local Authority Social Services and National Health Service Complaints (England) Regulations (the Complaints Regulations) as provided for in s.114 of the Health and Social Care (Community Health and Standards) Act 2003 and when requested to do so by a dissatisfied complainant, to review decisions made relating to complaints.

**Note:** Appeals Panels reviewing the keeping of a child in secure accommodation will be chaired by an Independent Person. Appeals hearing complaints under the Children Act 1989 and the National Health Service and Community Care Act 1990 will comprise 3 Independent Persons

## **Overview and Scrutiny Committee and Scrutiny Sub-Committees**

### **General Role**

Within their terms of reference, the Overview and Scrutiny Committee and Scrutiny Sub-Committees other than the Call-In Sub-Committees will have the following roles:

- (a) the strategic development of policy – by supporting the Council and Executive in developing the policy framework and budget for the Council and working with partner organisations on issues that may be outside the remit of the Council;

- (b) reviews of specific services – by making reports and/or recommendations to the full Council, Executive, Portfolio Holders and any Joint or Area Committees on any of their functions;
- (c) the review of policy and decisions developed by others – by reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- (d) the review of issues of concern to local people – by considering any matter affecting the area or its inhabitants and monitoring and scrutinising the activities of others;
- (e) consideration of the Forward Plan and scrutiny prior to key decisions being made, as appropriate;
- (f) scrutiny of decision making processes – by helping to draw up Protocols on how the Executive and Portfolio Holders should make decisions and then checking to see that these have been observed;
- (g) where relevant and appropriate, to receive selected monitoring reports carried out internally and externally on services.

The Call-In Sub-Committees may call in Executive decisions made but not yet implemented.

### **Specific Functions**

#### **(a) Policy development and review**

The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

- (i) assist the Council, the Executive and Portfolio Holders in the development of the budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of the Executive, Advisory Panels and/or Committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### **(b) Scrutiny**

The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

- (i) review and scrutinise the decisions made by, and performance of, the Executive, Portfolio Holders and/or Committees and Council officers both in relation to individual decisions and over longer periods of time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) require the attendance of and question Members and chief officers about their decisions and performance, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (v) where partnership working permits, review and scrutinise the performance of other public services in the area, by inviting reports from partners and requesting that they address the Overview and Scrutiny Committee and Scrutiny Sub-Committees about their activities and performance;
- (vi) question and gather evidence from any person (with their consent); and
- (vii) carry out the scrutiny of matters relating to the Health and Social Care including those matters delegated to the Health and Social Care Scrutiny Committee.

**(c) Annual Report**

The Overview and Scrutiny Committee will report annually to full Council on its workings and make recommendations for future work programmes and amend working methods, if appropriate.

## **Overview and Scrutiny Committee**

The Overview and Scrutiny Committee has the following power and duties:

1. To oversee an agreed work programme that can help secure service improvement through in-depth investigation of performance issues and the development of an effective strategy/policy framework for the council and partners;
2. To have general oversight of the council's scrutiny function;
3. To offer challenge and critical support to the Executive's policy development function and the long-term strategic direction of the borough;
4. To anticipate policy changes and determine their potential impact on residents and to recommend changes where these are appropriate;

5. To consider the council and partners' strategic approach to service delivery, using, where necessary, the power of overview and scrutiny committees to receive information from partner agencies and to require partner authorities to have regard to reports and recommendations from the Committee, as set out under Part Five of the Local Government and Public Involvement in Health Act 2007;
6. To undertake detailed investigation of service/financial performance in order to recommend policy changes to the Executive and to commission investigations by the Performance and Finance Sub-Committee;
7. To report scrutiny findings and recommendations to the Executive within 8 weeks of being published or to its next meeting, whichever is the sooner, in accordance with the council's constitution;
8. To review or scrutinise decisions made, or other action taken, in connection with the discharge of responsible authorities of their crime and disorder functions in accordance with s.19 of the Police and Justice Act 2006.
9. To consider items included in the Forward Plan;
10. To consider Councillor Call for Action in terms of
  - a. Local Government Matters (9FC of the Local Government act 2000)
  - b. Local Crime & Disorder Matters (Section 19, Police & Justice Act 2006)
11. To discharge the functions conferred by Section 244 (2ZE) of the National Health Service Act 2006 as amended and Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny Regulations 2013) of reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Harrow.
12. To respond to consultations from local health trusts, Department of Health and Social Care and any organisation which provides health services outside the local authority's area to inhabitants within it.
13. To review and make appropriate recommendations on an annual basis for the arrangements for processing applications for support from the voluntary sector, including grants, concessionary lettings, use of the community premises and other council premises, and discretionary rate relief.

## **Call-In Sub-Committee**

The Call-In Sub-Committee has the following powers and duties:

- (a) to examine decisions of the Executive which are taken but not implemented, and which are 'called in' in accordance with the Committee Procedure Rules;
- (b) to refer matters called in to the decision taker with reasons and recommendations for changes;

- (c) to refer Executive decisions to full Council if they consider they are contrary to the policy framework or contrary to or not wholly in accordance with the budget.

### **Call-In Sub-Committee – Education**

The Call-In Sub-Committee has the following powers and duties in relation to Education Matters:

- (a) to examine decisions of the Executive which are taken but not implemented, and which are ‘called in’ in accordance with the Committee Procedure Rules;
- (b) to refer matters called in to the decision taker with reasons and recommendations for changes;
- (c) to refer Executive decisions to full Council if they consider they are contrary to the policy framework or contrary to or not wholly in accordance with the budget

### **Health and Social Care Scrutiny Sub-Committee**

The Health and Social Care Scrutiny Sub-Committee has the following powers and duties:

1. To be the key driver of the health and social care scrutiny programme and maintain relationships with health and social care colleagues and partners in relation to shared stated priorities, in consultation with the Overview & Scrutiny Committee.
2. To be responsible in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council’s health functions other than the power under Regulation 23(9) to make referrals to the Secretary of State.
3. To recommend to Council that a referral be made to the Secretary of State under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.
4. To have specific responsibility for scrutiny of the following functions:
  - Health and social care infrastructure and service
  - NHS England, Clinical Commissioning Groups (CCGs) and the Health and Wellbeing Board
  - Public Health
  - Other policy proposals which may have an impact on health, public health, social care and wellbeing
  - Collaborative working with health agencies
  - Commissioning and contracting health services

5. To review the planning, provision and operation of Health services in Harrow and ensure compliance with Regulation 21(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by inviting and taking account of information and reports from local health providers and other interested parties including the local HealthWatch.
6. Where a referral is made through the local HealthWatch arrangements, to comply with Regulation 21(3) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by ensuring that the referral is acknowledged within 20 days and that the referrer is informed of any action taken.
7. Where appropriate, to consider and make recommendations for response to NHS consultations on proposed substantial developments/variations in health services that would affect the people of LB Harrow.
8. Where appropriate, to consider and make recommendations for response to consultations from local health trusts, Department of Health and Social Care.
9. Care Quality Commission and any organisation which provides health services outside the local authority's area to inhabitants within it.
10. Continue to seek the development of relationship with NHS England, CCGs, Health and Wellbeing Boards, Care Quality Commission, HealthWatch and the Local Medical Council.

(Note: Members of the Executive or members of the Health and Wellbeing Board may not be members of the Health and Social Care Scrutiny Sub Committee. Any health matter requiring an urgent decision/comment before the next meeting of the Health & Social Care Sub-Committee will be considered by the Overview and Scrutiny Committee if that is sooner).

## **Performance and Finance Sub-Committee**

The Performance and Finance Sub-Committee has the following powers and duties:

1. To be the key driver of the scrutiny function's work programme and the body responsible for monitoring the performance of the council and partners in relation to their stated priorities;
2. To consider/monitor the financial and service performance of the Council;
3. To consider/monitor the performance of the council's partners;
4. To undertake specific investigation of identified 'hot spots' through Q&A, reports or challenge panels – subject to endorsement by the Overview and Scrutiny Committee;
5. To refer 'hot spots' to the Overview and Scrutiny Committee for more detailed investigation where necessary;

6. To consider such urgent items as are appropriate – ad hoc, Councillor Calls for Action, area scrutiny.

## **Pension Board**

The Pension Board has the following powers and duties:

### **1. Role of the Board**

The role of the Board, as defined by sections 5(1) and (2) of the Public Service Pensions Act 2013, is to assist the Administering Authority (London Borough of Harrow) as Scheme Manager in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including:

- securing compliance with the LGPS regulations and other legislation relating to the governance and administration of the LGPS;
- securing compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
- such other matters the LGPS regulations may specify.

The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility.

In its role, the Board has oversight of the administration of the fund including:

- a. The effectiveness of the decision making process
- b. The direction of the Fund and its overall objectives
- c. The level of transparency in the conduct of the Fund's activities
- d. The administration of benefits and contributions

The Board will provide the Scheme Manager with such information as it requires to ensure that any Member of the Board or person to be appointed to the Board does not have a conflict of interest.

The Board will ensure it effectively and efficiently complies with the Code of Practice on the Governance and Administration of Public Service Pension Schemes issued by the Pensions Regulator. It will help to ensure that the Fund is managed in the same way.

The Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

### **2. Membership**

The Board shall consist of 5 members and be constituted as follows:

- (i) 2 Employer representatives – Administering Authority (1), other scheduled and admitted bodies [ie organisations other than the

Administering Authority who, under the regulations, can participate in the LGPS] (1);

- (ii) 2 Scheme Member representatives – active members (1), pensioners (1); and
- (iii) 1 independent member

Elected Members and officers involved in the management and administration of the Fund are not permitted to become Board members.

Only the Employer and Scheme Member representatives will have voting rights.

Each member of the Board will serve for a period of three years, subject to compliance with conditions of appointment. Members will be appointed on a rotational basis.

The Chair and Deputy Chair of the Board will be elected by the Board at its first meeting and will serve for a period of three years. Should the elected Chair be an Employer representative the Deputy Chair must be a Scheme Member representative and vice versa.

The Chair will ensure that meetings are properly conducted and the decision of the Chair on all points of procedure and order shall be final.

The Board may, with the approval of the Administering Authority, co-opt persons with sufficient skills and experience to advise and support them. Co-optees are not Board members and do not have voting rights.

Each Board Member should endeavour to attend all Board meetings during the year. In the event of consistent non-attendance by any Board Member the tenure of that membership should be reviewed by the other Board members in liaison with the Scheme Manager.

Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all other members and with the agreement of the Scheme Manager. Should any member of the Board cease to be a member of the relevant group for which they have been appointed they will automatically cease to be a member of the Board and the Administering Authority will conduct a replacement process.

### **3. Appointment of Board members**

All Board members will be appointed by Full Council. It is a statutory requirement that the Administering Authority must be satisfied that a person to be appointed as an Employer or Scheme Member representative has the relevant experience and capacity to represent employers or scheme members (as appropriate)

- Administering Authority to nominate one Employer representative



- The second Employer representative to be nominated by the scheduled and admitted bodies. If more than one is nominated, Council will determine who is to be appointed.
- (i) Scheme Member representatives to be selected through a process administered by the Administering Authority with a recommendation to Council
- (ii) Independent member – applications to be invited by public advertisement with a recommendation by the s151 Officer to Council.

#### 4. **Standards of conduct and conflicts of interest**

All members of the Board are expected to act in accordance with the Code of Conduct for Councillors where applicable and the Pensions Regulator's Code of Practice. In accordance with s5(5) Public Service Pension Act 2013, a Board member must not have a financial or other interest that could prejudice them in carrying out his/her Board duties. This does not include a financial or other interest arising merely by virtue of being a member of the LGPS.

The policy for identifying conflicts of interest is set out in a separate policy document.

#### 5. **Knowledge and Skills**

Following appointment each member of the Board should be conversant with:

- The legislation and associated guidance of the LGPS
- Any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund

The Administering Authority will provide a training programme which all Board members will be required to attend.

It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them, properly, to exercise their functions as a Member of the Board and therefore, must comply with the Board's Knowledge and Understanding and Training Policy.

#### 6. **Accountability**

The Board will collectively and individually be accountable to the Scheme Manager.

The Board will refer all relevant recommendations and decisions to the Pension Fund Committee of the Administering Authority and, where appropriate, to Full Council. It will present a report on its work to the Full Council once a year.

**7. Quorum**

A quorum will comprise three of the five members of which at least one shall be an Employer representative and one a Scheme Member representative.

**8. Meetings**

The Board shall meet at least twice a year but no more than four times.

The Chair of the Board, in consultation with the Administering Authority will prepare an agenda for each meeting of the Board. The administration of the Board will be in accordance with the normal procedures of the London Borough of Harrow.

An extraordinary meeting will be called when the Chair considers this necessary and/or in circumstances where the Chair receives a request in writing by 50% of the voting membership of the Board

**9. Publication of Pension Board Information**

The Administering Authority will publish up to date information on the Council's website including:

- The names of the Board member
- The Board's Terms of Reference
- Papers, agendas and minutes of Board meetings.

**10. Advice to the Board**

The Board will be supported in its role and responsibilities by the Administering Authority through advice and support as appropriate.

**11. Expense Reimbursement**

Each member of the Board and any co-opted persons, excluding elected Councillors of the London Borough of Harrow and Council Officers will be reimbursed at a rate of £445 per annum (exclusive of VAT if payable). All members of the Board and any co-opted persons will be paid "out-of-pocket" expenses when carrying out the functions of the Board including approved training.

**12. Definitions**

The undernoted terms shall have the following meaning when used in this document:

Administering Authority    London Borough of Harrow

Board or Pension Board                    The local Pension Board for the London Borough of Harrow, Administering Authority for the London Borough of Harrow Pension Fund as required under the Public Service Pensions Act 2013

Administering Authority	London Borough of Harrow
Board Member	A member of the Board including Employer representatives, Scheme Member representatives and an independent member
Code of Practice	The Pensions Regulator's [draft] Code of Practice no 14 entitled "Governance and administration of public service pension schemes."
Conflicts of Interest	As defined in the Public Service Pensions Act 2013
Conflicts of Interest Policy	The policy on conflicts of interest as adopted by the Board
Employer Representative	A person appointed to the Board for the purpose of representing employers for the Scheme
Fund	The London Borough of Harrow Pension Fund within the Scheme administered and maintained by the Scheme Employer
Independent Member	A Member of the Board who is neither an Employer Representative nor a Member Representative
Knowledge and Understanding and Training Policy	The training policy as adopted by the Board
LGPS	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009.
Member Representative	A person appointed to the Board for the purpose of representing members of the Scheme
Scheme	The Local Government Pension Scheme
Scheme Manager	London Borough of Harrow as administering authority of the London Borough of Harrow Pension Fund

### 13. **Interpretation**

Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Scheme Manager.

[Note: The terms of reference approved by Council on 13 November 2014 were amended under delegated authority as a result of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 which removed the voting rights of the Independent Member.]

## **Pension Fund Committee**

The Pension Fund Committee has the following powers and duties:

1. to exercise on behalf of the Council, all the powers and duties of the Council in relation to its functions as Administering Authority of the LB Harrow Pension Fund (the fund), save for those matters delegated to other Committees of the Council or to an Officer;
2. the determination of applications under the Local Government Superannuation Regulations and the Teachers' Superannuation Regulations;
3. to administer all matters concerning the Council's pension investments in accordance with the law and Council policy;
4. to establish a strategy for the disposition of the pension investment portfolio; and
5. to appoint and determine the investment managers' delegation of powers of management of the fund.

## **Planning Committee**

The Planning Committee has the following powers and duties:

1. To exercise the functions of the council as local planning authority under the Town and Country Planning Act 1990 and other planning and subordinate legislation with the exception that:
  - a) the preparation, maintenance and updating of the Local Development Framework; and
  - b) the consideration of any policy matter concerning the planning of the Borough, including the development of major sites but not the determination of any planning application;shall be matters to be determined by the Executive.
2. To determine applications for certificates under section 17 of the Land Compensation Act 1961.

3. To consider and, if appropriate, serve Article 4 Directions removing permitted development rights in accordance with the Town and Country Planning General (Permitted Development) Order 1990.
4. To determine and enforce building regulations.
5. All other functions relating to town and country planning and development control as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

# Other Statutory Committees

## Standing Advisory Council for Religious Education

SACRE is established under section 390 of the Education Act 1996. It is not a formal committee of the Council. The terms of reference and membership are set out below. Under section 392(7) of the Act, SACRE may regulate its own proceedings and hence the Council's committee procedure rules do not apply to SACRE.

### Terms of reference

- (1) As requested by the local authority or of its own volition, to advise the local authority on matters connected with:
  - a. religious worship in community schools or foundation schools which do not have a religious character, and
  - b. Religious education, in accordance with the Agreed Syllabus

The matters referred to above include, in particular, teaching methods, choice of materials and teacher training.
- (2) To deal with applications from schools for a determination on whether the statutory requirement for Christian collective worship should apply.
- (3) To determine the manner and form of applications under (2) above.
- (4) To convene from time to time an Agreed Syllabus Conference to review the agreed syllabus. The representative groups on SACRE, other than Group D, may at any time require a review of the agreed syllabus. Each of the three representative groups concerned shall have a single vote on the question of whether to require such a review.
- (5) To publish an annual report as to the exercise of their functions and any action taken by representative groups on the council under (4) above during the preceding year.

### Membership

Group A – Representatives of Christian (excluding Church of England) and other religious denominations (22)

Group B – Representatives of the Church of England (3)

Group C – Representatives of Teachers (6)

Group D – Representatives of the Local Education Authority (3)

SACRE may also include co-opted members (that is, persons co-opted as members of SACRE by members of SACRE who have not themselves been so co-opted).

Any member who fails to attend three consecutive members of SACRE shall cease to be a member of the Council unless, at the third such meeting, SACRE approves the reason for non-attendance.

An adviser nominated by the Corporate Director, People Services shall also be invited to attend meetings of SACRE.

# Terms of Reference and Delegation of Duties to the Cabinet, Portfolio Holders Advisory Panels and Consultative Forums

## Executive (Cabinet)

The Executive will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

The Executive will have responsibility for approving plans which are not the responsibility of Council and any other non-statutory plans that, from time to time, may be considered their responsibility.

### **The Cabinet is responsible for the following functions:**

- (1) Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
- (2) Monitoring the implementation of the budget and financial strategy;
- (3) Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
- (4) Management of the Council's Capital Programme and Strategy;

All key decisions – namely:

- (5) an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
- (6) an executive decision which is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough;
- (7) a decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question;
- (8) award of contracts over £500,000 and all matters reserved to the Executive under the Contract Procedure Rules;
- (9) virements between budgets as required by the Financial Regulations;



- (10) making all non-key decisions which are referred to the Executive by the relevant Portfolio Holder or Corporate Director;
- (11) Determination of recommendations and references from the Council or any of its Committees or sub-committees and which the Cabinet considers are appropriate for collective decision;
- (12) Approval of HRA Rents.

## **Cabinet Members' (Portfolio Holders) appointment and term of office**

Other Executive Members shall be appointed to the Executive by the Leader and shall continue in their roles on the Executive until one of the following circumstances applies:

- (a) in the case of the Deputy Leader; the end of the term of office of the Leader
- (b) they resign from office; or
- (c) they are no longer Councillors; or
- (d) the Leader makes changes to the roles of Members of the Executive, or
- (e) they are removed from office by the Leader.

### **Vacancies in the Executive**

If at any time a Member ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Executive collectively until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.

In the event that all Members of the Executive are removed or have been disqualified from office, the Head of Paid Service shall, in the interim, carry out the Executive functions.

### **Temporary Absence of Leader or other Portfolio Holder**

In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in Part 3 of the Constitution and the Delegated Power of Portfolio Holders in the Appendix to the Executive Procedure Rules).

## **Special Provision to take urgent action in an election year**

- (a) That following a Borough Election and until the day of the Annual Council Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of members on the Council;
- (b) That following a Borough Election and until the day of the Annual Council Meeting, if the Leader is not re-elected as a Councillor, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders.

## **Proceedings of the Executive**

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

## **Portfolio Holders Assistants**

Non-Executive Councillors may be appointed as Portfolio Holder Assistants. Portfolio Holder Assistants may not exercise any of the powers of a Portfolio Holder nor act in the absence of the Portfolio Holder. Confirmation of the appointment of any Portfolio Holder Assistant must be given by the Executive at the next meeting of Cabinet.

## **Role and Areas of Responsibility of Portfolio Holders (Cabinet Members)**

### **General Responsibilities**

- (1) All Portfolio Holders are responsible for the effective management and delivery of executive functions within their area of responsibility and within the following framework:
  - The Council's overall strategic, corporate and policy objectives and all statutory and other plans and strategies approved by the Council the approved revenue and capital budgets
  - The law and the Council's Constitution
  - The decisions made at full meetings of the Cabinet.
- (2) All Portfolio Holders share the responsibility for ensuring:
  - The development, co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's Objectives;
  - That the Council delivers value for money in all that it does;

- The delivery of Public Health responsibilities;
- The oversight, development, monitoring and promotion of all executive services provided by the Council within the appropriate performance management framework;
- That suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to executive functions, which are provided under contract to the Council;
- The promotion of the interests of the Borough, and of all the residents, businesses, other organisations and stakeholders within Harrow;
- That the Council takes a community leadership role across the public, voluntary and business sectors involving the development of good and effective working links with all sectors;
- The promotion and implementation of an effective equal opportunities policy;
- The promotion of services which are sustainable, improve community cohesion and community safety, make for more open government, provide opportunities for resident participation in delivering outcomes and include new methods of community engagement;
- That proper arrangements are made for consultation and participation with residents and service users in decision making;

## **The Leader of the Council and Portfolio Holder for Strategy, Regeneration, Partnerships & Devolution**

The Leader of the Council shall have the following responsibilities:

- When present to chair meetings of the Cabinet;
- Appoint and dismiss Portfolio Holders and the Deputy Leader
- Appoint to and dismiss from committees of the Cabinet
- Determine from time to time the roles and areas of responsibility of Portfolio Holders
- In the absence of a Portfolio Holder, or on written notice to that Portfolio Holder, to exercise any of that Portfolio Holder's functions themselves or arrange the discharge of those functions by another Portfolio Holder or a Corporate Director
- Champion the Borough locally, nationally and internationally and act as an advocate for its residents

- Work with the Government to maximise opportunities for devolution, fairer funding and growth
- Lead the development and implementation of the Council's Corporate Plan and Budget
- Lead the Council's Strategy to address all forms of inequality
- Lead the Council's response and recovery from COVID-19
- To be responsible for the strategic direction of regeneration and the development of local and regional plans
- Liaise with Government Departments, the Greater London Authority, London Councils, West London Alliance and other local, sub-regional and public bodies
- Champion the Council's media relations and promote its brand and reputation
- Ensure that the decisions and activities of the Council comply with the highest possible ethical standards and that all Members of the Council adhere to the Code of Conduct.

## **Deputy Leader of the Council**

The Deputy Leader of the Council shall have overall responsibility for:

- Undertaking the responsibilities and delegated powers of the Leader of the Council, to the extent permitted by the Constitution, in the absence of the Leader;
- The chairing of meetings of the Executive in the absence of the Leader of the Council.

## **Portfolio Holder - Adults and Social Care**

To be responsible for the development and strategic direction of the Council's Adults Social Care functions and Carers, including:

- Championing the safeguarding of vulnerable adults;
- Overseeing compliance with both relevant statutory duties and performance targets;
- Working in partnership with service inspectors, health bodies, the voluntary sector and service clients;
- Championing service projects including commercialisation opportunities;

- Representing service interests on the Health & Wellbeing Board;
- Supporting the joint commissioning of services;
- Promoting mental health and wellbeing across the Council.

## **Portfolio Holder – Business, Property and Leisure**

To be responsible for the strategic direction and the promotion of employment opportunities in the Borough including:

- Liaising with local and national government bodies and the business community;
- Protecting Harrow's built heritage and green spaces;
- Small Business support and business relationships;
- Economic Regeneration and Inclusive Economy;
- Ensuring the effective management of the Council's property assets, with specific authority to acquire or dispose of land up to £250k (other than at less than best consideration);
- Ensuring good governance in the Council, including overseeing the Legal & Governance Services Directorate;
- Overseeing the development of cultural and heritage activities in the Borough;
- Ensuring residents have appropriate training and development opportunities and benefit from employment opportunities in the Borough.

## **Portfolio Holder for Community Cohesion, Crime and Enforcement**

To be responsible for the strategic direction and promotion of community cohesion, tackling crime and enforcement in the borough including:

- Working with community groups, and statutory agencies to both maintain and improve community cohesion and community safety, reduce crime, mitigate its effect and reduce fear of crime including hate crime;
- Champion the Council's commitment to social inclusion and fairness and Representation on appropriate partnerships, boards and groups;
- To be responsible for all associated Public Protection and enforcement activity, including; PSPOs, Selective Licencing, Fly-tipping, Environmental Health, and tackling rogue and irresponsible landlords,

- Tackling Domestic Violence and Abuse; and supporting survivors.

## **Portfolio Holder for Community Engagement, Accessibility and Customer Services**

- Ensuring residents and stakeholders are being appropriately consulted and involved in in the Council's decisions, plans and activities
- Ensuring the Council works with community groups, the voluntary sector and statutory agencies particularly when addressing issues such as poverty and health inequality
- Overseeing Access Harrow and making services more accessible

## **Portfolio Holder for Education and Social Services for Children and Young People**

To be responsible for the development and implementation of strategy for the delivery of high standards of service in Education and Social Care for children and young people in the Borough including:

- To be responsible for thoughtful commissioning of services and oversight of contractual arrangements; promoting close partnership working within the community, with Harrow schools, governing bodies, the voluntary sector and the Health Service.
- To promote equality of access to education and to social services for all children and young people in Harrow.
- To represent Harrow in pan London policy discussions with Portfolio Holders for Children's services on promoting improvements to services for children and young people across London.

## **Portfolio Holder for Equalities and Public Health**

To be responsible for the development and strategic direction of the Council's equalities and Public Health functions, including:

- Supporting the development of the Council's equalities framework and monitor progress to drive improvement and ensuring the Council promotes equality of opportunity in all of its work;
- Overseeing compliance with both relevant statutory duties and performance targets within Public Health;

- Developing policies to tackle Health inequalities and Poverty within Harrow.

## **Portfolio Holder for Environment and Climate Change**

To be responsible for the development and strategic direction of the Council's environment services and climate change, including:

- Refuse, Waste Reduction and Recycling;
- Energy, Fuel Poverty and Climate Change;
- Road safety, street scene, Major traffic infrastructure and Transportation;
- Overseeing compliance with relevant statutory duties and performance targets;
- Championing service projects including commercialisation opportunities;
- Developing the role of community champions;
- Supporting the joint commissioning of services.

## **Portfolio Holder for Finance and Resources**

To be responsible for the financial strategy of the Council, including

- Developing and promoting its annual and long term budgets and policy frameworks including those for the housing revenue account;
- Ensuring financial controls and processes are effective;
- Keeping under review fees and charges levied by the Council;
- Championing effective risk management and business continuity activity;
- Promoting commercial opportunities;
- Ensuring coherent strategies for People and IT are adopted and implemented;
- Leading on Council transformation;
- Ensuring the Council has effective processes to monitor and manage the performance of its services;
- Overseeing the procurement, management and extension of major contracts (ie over £1m pa) and the settlement of claims against the Council over £1m.

## Portfolio Holder – Housing

To be responsible for the development and strategic direction of the Council's housing services including:

- Ensuring the viability and cost effectiveness of the Housing Revenue Account
- To provide new Council homes and develop partnerships with other housing providers for affordable homes
- To engage and listen to tenants and leaseholders to enhance and improve housing services
- To adequately fund the repair and improvement of Council homes
- The development of a Harrow 'Charter of Rights' for private renters to raise housing standards
- To reduce the number of homeless people.



# Cabinet Panels, Sub-Committees and Forums

## Executive Sub-Committees

The Executive may establish sub-committees to carry out Executive functions. Such committees must consist only of Executive members.

## Advisory Panels

The Executive may appoint Advisory Panels to assist in the carrying out of Executive functions. Any such panels may not exercise any Executive functions and may only give advice or make recommendations to the Executive, Portfolio Holders or Council as appropriate. Non-Executive Members may be members of such Panels. Specific Procedural Rules apply to these Panels (see part 4 - Advisory Panel and Consultative Forum Procedure Rules) unless specifically approved otherwise by the Executive. The rules on political proportionality will apply to membership of Panels. The terms of reference of all Advisory Panels are set out in Part 3A of the Constitution.

## Consultative Forums

The Executive may appoint Consultative Forums. These non-decision making bodies shall assist the Executive in consulting with service users, trades' unions and other interested parties. They may make recommendations to the Executive (or elsewhere as appropriate) if a majority of the Council members on the Forum agree. The Procedure Rules for Advisory Panels and Consultative Forums apply to these forums subject to specific changes for membership and method or operation proposed by each Forum and approved by Council. The rules on political proportionality will apply to the appointment of Councillors to the Forums.

Cabinet Advisory Panels have no Executive decision making powers. Their purpose is to consider matters referred to them within their terms of reference and to make recommendations to the Cabinet/Portfolio Holder as appropriate.

\* \* \* \* \*

## Corporate Parenting Panel

### Purpose

1. To ensure that the Council is fulfilling its duties towards Looked After Children corporately and in partnership with other statutory agencies.
2. To consider matters referred to the Panel within its terms of reference and to make recommendations to Cabinet/Portfolio Holder as appropriate including:
  - a. Approving annually the Statement of Purpose for the Adoption Service
  - b. Approving annually the Statement of Purpose for the Fostering Service

- c. To ensure all councillors are aware of their corporate parenting responsibilities through Mandatory training and communication.

## **Role of the Panel**

1. To take an overview of the Council's and partner agencies responsibilities towards looked after children (LAC) and examine ways the life chances of looked after children and care leavers can be improved.
2. Ensure there are good joint working arrangements between council departments and partner agencies.
3. To consider and regularly annually a Corporate Parenting Strategy setting out key priorities and areas for action. The Corporate Parenting Strategy will be submitted to Cabinet and full council for consideration and decision on approval.
4. To provide a forum for Children Looked After (CLA) to participate and influence policy and to have opportunity to talk about issues relating to their own direct experiences of services they have received. The Board will ensure that the positive experiences/services are maintained and lessons are learnt and changes made where required.
5. To comment on and contribute to plans, policies and strategies for LAC and make recommendations for action.
6. To have a monitoring role, by receiving regular progress reports and data on all key Performance Indicators for all LAC e.g. educational attainment (including implementation of Personal Education Plans) and health assessments.
7. Monitor the plans/needs of children in Secure Accommodation.
8. To receive regular reports on the needs of care leavers including employment, further education, training and housing.
9. To receive annual reports on the following services
  - Adoption
  - Fostering
  - Complaints
10. To meet with LAC and their carers on a regular basis to consult and celebrate achievements, festivals etc.
11. To manage and arrange Member visits to
  - Children's Homes
  - Foster Placements
  - Frontline Services (as indicated in the Victoria Climbié Audit)

## **Membership**

The Corporate Parenting panel will comprise:

A proportionate number of 6 Elected Members

Service Users, Carers and Schools (Non-Voting)

- At least 1 Care leaver
- 1 Foster Carer
- 1 Virtual Head Teacher

Senior Officers (advisors to the Panel – to attend as appropriate to the work of the Panel)

- Director of Children's Services
- Divisional Director Children and Young People
- Head of Service Corporate Parenting
- LAC Nurse
- Housing Needs Manager
- Business Intelligence

## **Harrow Business Consultative Advisory Panel**

### **Terms of Reference**

1. To enable consultation between the Council and representatives of local non-domestic ratepayers required by Section 65 of the Local Government Finance Act 1992 and to provide information regarding the Council's expenditure proposals for the future budget in accordance with Non-Domestic Ratepayers (Consultation) Regulations 1992. The minutes of the meetings to be reported to the Cabinet.
2. To facilitate consultation between the Council and representatives of the business community as required by the Authority.

## **Planning Policy Advisory Panel**

The Terms of Reference and Delegated Powers of the Planning Policy Advisory Panel are:

1. To provide input into the development of planning policy within the borough by giving detailed consideration to:
  - (a) the Local Development Framework / Local Plan and its Development Plan Documents and matters incidental thereto;
  - (b) representations received to Development Plan Documents and any amendments proposed;
  - (c) monitoring the implementation of the Framework / Local Plan, its review and modification as necessary.

2. To provide input into all other planning policy matters such as the designation of Conservation Areas and amendments to their boundaries and the designation of locally listed buildings.
3. To give detailed consideration to and make recommendations to Cabinet in respect of:
  - (a) The use of the Community Infrastructure Levies (CIL) funds;
  - (b) Reviewing and commenting upon changes to the CIL Charging Schedule and S106 Supplementary Planning Documents (SPG).
4. To oversee the implementation of the Borough Wide CIL / Infrastructure Delivery Plan (IDP) prepared to support strategic growth in the Borough and to make recommendations to Cabinet where appropriate
5. To oversee the development of proposals for individual major development sites or significant capital / infrastructure projects within the borough including:
  - (a) Providing comments on pre application proposals received by the Council for such sites;
  - (b) Reviewing progress of strategic development sites within the borough and considering site specific planning and development briefs.

## **Traffic and Road Safety Advisory Panel**

### **Terms of Reference**

To make recommendations on the following:

- Traffic management;
- Management and control of parking both on and off-street;
- Operational aspects of public transport within the Borough.

### **Including consideration of:**

- Petitions, Deputations
- Scheme Approval (from existing budgets), including consultation results and authority to make traffic orders.
- Objections to traffic orders
- Investigations into traffic problems (other than those identified by petition etc)
- Local Safety Schemes Annual Review
- Consultations from neighbouring authorities on traffic management schemes on or near boundary

- Amendments to London Lorry Ban operation
- Approval of model traffic orders
- References and motions from other bodies
- Setting traffic management criteria e.g. traffic calming.

# Consultative Forums

## Employees' Consultative Forum

### Terms of Reference

#### 1.0 Consultation

1.1 The Employees' Consultative Forum (ECF) is the primary mechanism by which Council Members will consult Union Representatives on specific matters of mutual interest. The ECF shall make recommendations to the Cabinet on such issues. In addition, the ECF will receive reports on actions from the ECF Sub-Group.

1.2 The ECF will meet at least twice annually.

#### 2.0 Equal Opportunities

2.1 The ECF will seek to promote Equal Opportunities in Employment within the Council, ensuring compliance with all the relevant equalities legislation.

2.2 The ECF will ensure the effective implementation of 'Making a Difference – Making Equality of Opportunity a Reality'. The ECF will receive and comment on regular reports including:-

- Statistics and progress on meeting equality targets including an annual report on employment issues analysed by protected characteristics.

#### 3.0 Health & Safety

3.1 The ECF will seek to promote health and safety and welfare within the Council and will keep under review the measures taken to ensure health and safety and welfare at work. The Forum will receive and comment on reports, including:-

- The Council's half-year and annual health and safety performance report providing an update of health and safety activities and giving information on outcome measures.

3.2 Any health and safety and welfare matters which are the responsibility of the Council as set out in the schedule to the Council's Constitution must be referred to the Licensing and General Purposes Committee.

## **4.0 Budget**

The ECF will consider the budget, as part of the Council's consultation on the budget setting process and make comments on the recommendations.

## **5.0 Membership**

5.1 The permanent membership of the Forum shall be as follows: -

- a) 7 Councillors to include the Leader / Deputy leader and the Portfolio Holder with responsibility for Human Resources.
- b) A minimum of one and maximum of 3 representatives from each recognised trade union. (Note the number of representatives for each trade union to be determined by their notified membership numbers).

5.2 The Council Members shall be appointed annually by the Cabinet. If a Council Member is unable to attend any meeting then a duly appointed Reserve Council Member may attend in their place.

5.3 The Employee Side Representatives shall be nominated to the Head of Paid Service within 14 days of each Annual Council. If an Employee Side representative is unable to attend any meeting they may nominate a substitute who shall be co-opted onto the committee for the purposes of that meeting.

5.4 The role of chairing the ECF will rotate between Council Members and Employee Side representatives each Municipal Year.

5.5 The Employee Side will agree amongst themselves who will take the Chair and notify Democratic Services.

5.6 Others who may attend the Forum include:-

Head of Paid Service, Corporate Directors & Directors (or representative)  
Trade Union Branch Secretaries (or representative)  
Trade Union Branch Regional Officials (as required)  
Representatives from Employee Support Groups – for the Annual Equality in Employment report.  
Other officers as required.

For the meeting to be quorate, it must be attended by a minimum of three Council Members and two trade union representatives from different trade unions.

## **6.0 Recommendations of the Employees' Consultative Forum**

6.1 Recommendations of the ECF are reached by a majority vote among elected Members.

6.2 Recommendations of the ECF must go to the relevant portfolio holder or Cabinet, who are the last stage in the local procedures and in the normal course of events, will be implemented immediately (subject to the call-in period).

(Note: A proposal to establish any subsidiary body of this Committee shall be subject to its prior referral to and approval by Cabinet).



# Joint Arrangements

## Joint Committee of the Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (known as “West London Economic Prosperity Board”)

### Functions and Procedure Rules

#### 1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Barnet, Brent, Ealing, Hammersmith & Fulham, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee shall be known as ‘**West London Economic Prosperity Board**’.
- 1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.
- 1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.
- 1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.
- 1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

## **2. Definitions**

- 2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).
- 2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

## **3. Functions**

- 3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:
- 3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.
- 3.1.2 Providing direction to a nominated lead borough on the allocation of any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving the approach to the procurement to be undertaken by the lead borough.
- 3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.
- 3.1.4 Exercising any such powers and allocating any such funding.
- 3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- 3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
- 3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
- 3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.

- 3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
  - 3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local Democracy, Economic Development and Construction Act 2009 Act, to be established by groups of boroughs in London.
  - 3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.
- 3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

#### **4. Membership and Quorum**

- 4.1 The membership will comprise of 6 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.
- 4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.
  - 4.2.1 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.
  - 4.2.2 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.
- 4.3 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.
- 4.4 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

- 4.5 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.
- 4.6 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.
- 4.7 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.
- 4.8 The quorum for the Joint Committee is three members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the clerk will advise those present that no business can be transacted and the meeting will be cancelled.

## **5. Chair and Vice-Chair**

- 5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.
- 5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.
- 5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.
- 5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.
- 5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.
- 5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

## **6. Sub-Committees**

- 6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

## **7. Delegation to officers**

- 7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.

- 7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.
- 7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

## **8. Administration**

- 8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

## **9. Financial matters**

- 9.1 The Joint Committee will not have a pre-allocated budget.
- 9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

## **10. Agenda management**

- 10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.
- 10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.
- 10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.
- 10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key-decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non statutory procedures.

## **11. Meetings**

- 11.1 The Joint Committee will meet as required to fulfil its functions.
- 11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.
- 11.3 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

## **12. Notice of meetings**

- 12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.
- 12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.
- 12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

## **13. Public participation**

- 13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.
- 13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.
- 13.3 The maximum number of speakers allowed per agenda item is 6.
- 13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

- 13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.
- 13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

#### **14. Member participation**

- 14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

#### **15. Business to be transacted**

- 15.1 Standing items for each meeting of the Joint Committee will include the following:

- Minutes of the Last Meeting
- Apologies for absence
- Declarations of Interest
- Provision for public participation
- Substantive items for consideration

- 15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

- 15.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- 15.4 "Special Circumstances" justifying an item being considered as a matter or urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

#### **16. Extraordinary meetings**

- 16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

## **17. Cancellation of meetings**

17.1 Meetings of the Joint Committee may, after consultation with the Chair, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chair and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

## **18. Rules of debate**

18.1 The rules of debate in operation in the Chair's authority shall apply.

## **19. Request for determination of business**

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration.
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

## **20. Urgency procedure**

20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

## **21. Voting**

21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

21.3 Any matter (save for a decision under Rule 4.7 above) shall be decided by a simple majority of those members voting and present. Where there is an



equality of votes, the Chair of the meeting shall have a second and casting vote.

- 21.4 Any two members can request that a recorded vote be taken.
- 21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast they vote for or against the matter or whether they abstained from voting.

## **22. Minutes**

- 22.1 At the next suitable meeting of the Joint Committee, the Chair will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.
- 22.2 Once agreed, the Chair will sign them.
- 22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

## **23. Exclusion of Public and Press**

- 23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.
- 23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.
- 23.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think is necessary.
- 23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

## **24. Overview and Scrutiny**

- 24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone

- 24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.
- 24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.
- 24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.

## **25. Access to minutes and papers after the meeting**

- 25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:
- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - (iii) the agenda for the meeting; and
  - (iii) reports relating to items when the meeting was open to the public.

## **26. Amendment of these Rules**

- 26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule 3 (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

## **27. Background Papers**

- 27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:
- (i) disclose any facts or matters on which the report or an important part of it is based;
  - (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

- 27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection
- (i) a copy of the list of background papers for the report
  - (ii) at least one copy of each of the documents included in that list.
- 27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **North West London Joint Health Overview and Scrutiny Committee**

### **Membership**

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate.

### **Chair and Vice Chair**

The North West London Joint Health Overview and Scrutiny Committee will elect its own chair and vice chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, such as to allow for any annual changes to the committee's membership.

### **Terms of Reference**

1. To scrutinise the 'Shaping a Healthier Future' reconfiguration of health services in North West London and the Sustainability and Transformation Plan for North West London; in particular the implementation plans and actions by the North West London Collaboration of Clinical Commissioning Groups ('NWL CCGs') and its Joint Committee, focusing on aspects affecting the whole of North West London.
2. To review and scrutinise decisions made or actions taken by NWL CCGs and/or other NHS service providers, in relation to the 'Shaping a Healthier Future' reconfiguration and the Sustainability and Transformation Plan for North West London, where appropriate.
3. To make recommendations to NWL CCGs, NHS England, or any other appropriate outside body in relation to the 'Shaping a Healthier Future' plans for North West London and the Sustainability and Transformation Plan for North West London; and to monitor the outcomes of these recommendations where appropriate.

4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London.

The stated purpose of the North West London Joint Health Overview and Scrutiny Committee is to consider issues arising as a result of the Shaping a Healthier Future reconfiguration of health services and the Sustainability and Transformation Plan for North West London, taking a wider view across North West London than might normally be taken by individual Local Authorities. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under 'Shaping a Healthier Future' and the Sustainability and Transformation Plan for North West London).

Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

### **Duration**

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise. This does not preclude individual authorities from leaving the Committee beforehand. The Committee will keep under review whether it has fulfilled its remit and any recommendation of the Committee will be reported to a Full Council meeting of each participating authority.