

2003 - 2004

HARROW COUNCIL
COUNCIL SUMMONS

ORDINARY MEETING
Thursday 23 October 2003



COUNCIL SUMMONS

Law and Administration Division

Civic Centre

Harrow

15 October 2003

Dear Member

I hereby request and summon you to attend an **ORDINARY MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF HARROW** to be held in the **COUNCIL CHAMBER** at the **CIVIC CENTRE, STATION ROAD, HARROW, on Thursday, 23rd day of October 2003 at 7.30 pm** to take into consideration the following numbered matters and to pass such resolutions and to make such orders thereon as may then be determined.

PRAYERS

The Mayor's Chaplain, Deacon Tony Martin, will open the meeting with Prayers.

1. DECLARATIONS OF INTEREST:

To receive any declarations of personal interests or prejudicial interests by Members of Council, arising in relation to the business for this Meeting.

2. COUNCIL MINUTES: (Pages 1 - 42)

To take as read and approve as a correct record the minutes of the Annual Council Meeting held on 15 May 2003

[Notes: (i) The Annual Council Minutes have been circulated previously within Volume 1 of the Cabinet and Council Minutes (2003/04);

(ii) the Minutes are also now enclosed with this Summons for ease of reference]

3. MAYOR'S ANNOUNCEMENTS:

To receive any announcements from the Mayor.

[Note: Information as to recent Mayoral engagements will be tabled].

4. PROCEDURAL MOTIONS:

To receive and consider any procedural motions by Members of Council, under relevant Council Procedure Rules, in relation to the conduct of the business for this Council Meeting.

[Note: Notice of such procedural motions, received after the issuing of this Summons, will be tabled].

5. PETITIONS:

To receive petitions (if any) submitted in accordance with Council Procedure Rule 11 and presented:-

- (i) by a representative of the petitioners;
- (ii) by a Councillor, on behalf of petitioners; or
- (iii) by the Borough Solicitor, on behalf of petitioners.

6. PUBLIC QUESTIONS:

A period of up to 15 minutes is allowed under Council Procedure Rule 12 for members of the public to ask questions of members of the Executive, Portfolio Holders and Chairs of Committees, of which notice has been received no later than 5.00p.m. two clear working days prior to the day of this Meeting.

[Note: Confirmation of any such questions will be tabled].

7. HARROW SCHEME FOR MEMBERS' ALLOWANCES 2003/04 - REVISED: (Pages 43 - 62)

Report from the Chief Executive.

8. **BEST VALUE PERFORMANCE PLAN 2003/04:** (Pages 63 - 96)
- RECOMMENDATION I: (CABINET – 17 June 2003) (Key Decision)
- RECOMMENDATION II: (OVERVIEW AND SCRUTINY COMMITTEE – 23 September 2003)
9. **SERVICE AND FINANCIAL PLANNING PROCESS 2004-05 TO 2006-07:**
(Pages 97 - 100)
- RECOMMENDATION I: (CABINET – 15 July 2003)
10. **BUDGET CONSULTATION PROCESS:** (Pages 101 - 104)
- RECOMMENDATION I: (CABINET – 9 September 2003)
11. **STATEMENT OF ACCOUNTS 2002-2003:** (Pages 105 - 108)
- RECOMMENDATION II: (CABINET – 9 September 2003)
12. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2002-03:** (Pages 109 - 142)
- RECOMMENDATION I: (OVERVIEW AND SCRUTINY COMMITTEE – 10 July 2003)
13. **COMPLAINTS AGAINST COUNCILLORS: LOCAL DETERMINATION OF COMPLAINTS REFERRED FROM THE STANDARDS BOARD FOR ENGLAND:** (Pages 143 - 164)
- RECOMMENDATION I: (STANDARDS COMMITTEE – 7 October 2003)
14. **SPECIAL URGENCY DECISIONS TAKEN BY THE EXECUTIVE:** (Pages 165 - 174)
- (1) In accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of the Constitution, the Borough Solicitor is required to report to the Council any decisions taken as a matter of urgency on behalf of the Executive (that is, as individually authorised by the Portfolio Holders).
- (2) In accordance with paragraph 17.3 of the Access to Information Procedure Rules, the Leader of the Council is required to report to Council any decisions taken under the Special Urgency Procedure. This requirement is met in the attached paper from the Borough Solicitor.
- FOR CONSIDERATION**
15. **OPERATION AND PROVISIONS FOR CALL IN AND URGENCY:** (Pages 175 - 180)
- Report from the Chief Executive.

16. QUESTIONS WITH NOTICE (Council Procedure Rule 13):

A period of up to 15 minutes is allowed (Council Procedure Rule 13.2) for the asking of written questions by Members of Council of a member of the Executive or the Chair of any Committee:-

- (i) of which notice has been received at least two clear working days prior to the day of this Meeting;
- (ii) or which relate to urgent matters, the consent of the Executive member or Committee Chair to whom the question is to be put has been obtained and the content has been advised to the Borough Solicitor by 12.00 noon on the day of the Council Meeting.

(1) Question of the Environment and Transport Portfolio Holder:

Councillor Branch has given notice of the following question to be asked of Councillor O'Dell :-

“Could the Portfolio Holder for Environment and Transport let this Council know if any money taken from parking fees and fines is ring fenced for improvements to our local roads in Harrow ?”

(2) Any Other Questions of which Notice may be given

(confirmation of any such Questions will be tabled).

17. MOTIONS: (Pages 181 - 184)

18. APPOINTMENT/RE-APPOINTMENT OF THE AUTHORITY'S STATUTORY OFFICERS: (Pages 185 - 194)

Report of the Chief Executive.

19. COMMITTEE MEMBERSHIPS 2003/04: PROPOSED REVISIONS:

STANDARDS COMMITTEE

The Liberal Democrats Group has notified the following Committee Membership changes within its allocation on the Standards Committee.

CATEGORY	DELETION	SUBSTITUTION
Member	Cllr. Miss Lyne	Cllr. Branch
Reserve No.2	Cllr. Branch	Cllr. Miss Lyne

DEVELOPMENT CONTROL COMMITTEE

The Conservative Group has notified the following Committee Membership changes within its allocation on the Development Control Committee.

CATEGORY	DELETION	SUBSTITUTION
Member	Cllr. Versallion	Cllr. Knowles
Reserve No.1	Cllr. Harriss	Cllr. Billson
Reserve No.2	Cllr. Seymour	Cllr. Janet Cowan
Reserve No.3	Cllr. Knowles	Cllr. Versallion
Reserve No.5	Cllr. Billson	Cllr. Seymour

OVERVIEW AND SCRUTINY COMMITTEE

The Labour Group has notified the following Committee Membership changes within its allocation on the Overview and Scrutiny Committee.

CATEGORY	DELETION	SUBSTITUTION
Reserve No.2	Cllr. Choudhury	Cllr. Ismail
Reserve No.3	Cllr. Omar	Cllr. Currie
Reserve No.4	Cllr. Asante	Cllr. Lent

FOR CONFIRMATION

20. REVISIONS TO THE REPRESENTATION ON OUTSIDE BODIES: (Pages 195 - 200)

Report of the Borough Solicitor.

21. EXECUTIVE ACTIONS: (Pages 201 - 204)

A number of Executive Actions have been taken on behalf of the Council following consultation with the Group Leaders, since the Annual Meeting. These are as reported in the attached document.

FOR CONFIRMATION

Yours sincerely



Borough Solicitor

To: His Worship the Mayor and all Members of the Council of the London Borough of Harrow

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COUNCIL
23 OCTOBER 2003

COUNCIL ANNUAL MINUTES

15 MAY 2003

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MINUTES
of the
ANNUAL MEETING
of the
COUNCIL
of the
LONDON BOROUGH OF HARROW
held on
THURSDAY 15 MAY 2003

Present: **The Worshipful the Mayor (Councillor John Branch)**
 The Deputy Mayor (Councillor Mano Dharmarajah)

Councillors:

R. Arnold
Nana Asante-Twumasi
David Ashton
Mrs Marilyn Ashton
Mrs Camilla Bath
Miss C A Bednell
F. Billson
Alan Blann
H. Bluston
J. Branch
K. Burchell
Mrs L. Champagnie
M. Choudhury
Mrs Janet Cowan
John Cowan
Margaret Davine
Sanjay Dighé
A.T. Foulds
Brian Gate
Mitzi Green

Ann Groves
Cyril Harrison
C. Harriss
T. Idaikkadar
Mark Ingram
N. Ismail
Mary John
M. Kara
Mrs E.M. Kinnear
M. Kinsey
A.C. Knowles
Jean Lammiman
D. Lavingia
A. Lent
Myra Michael
Jerry J. Miles
Vina Mithani
Chris Mote
Mrs Janet Mote
J.W. Nickolay

Mrs Joyce Nickolay
Marie-Louise Nolan
Phillip O'Dell
A. Omar
P. Osborn
Anjana Patel
A. Pinkus
R. Ray
R.D. Romain
Anthony Seymour
Navin Shah
Mrs Rajeshri Shah
E. Silver
Bill Stephenson
Keekira Thammaiah
S. Thornton
Keith Toms
M. Versallion
A.E. Whitehead
G. G. V. Williams

PRAYERS

The Meeting opened with Prayers offered by the
Reverend Francis Jakeman

96. MEMBERS OF COUNCIL AND A PAST MEMBER

At the commencement of the Annual Meeting, preceding Prayers, His Worship the Mayor (Councillor Branch) made the following announcements.

- (1) **COUNCILLOR MISS LYNE** - Councillor Paddy Lyne was absent from this Meeting following a recent operation. The Mayor wished her a speedy recovery.
- (2) **COUNCILLOR JEAN LAMMIMAN** – The Mayor welcomed Councillor Jean Lammiman to the Meeting and a return to good health following her recent hospital treatment.
- (3) **FORMER COUNCILLOR STAN ROAN** - The Mayor asked Members to pay tribute to a former Member of Council, Stan Roan who had passed away in March. Mr Roan had served 3 terms as a Councillor, totalling 11 years. Members recorded their appreciation of his services and extended their condolences to his family. The Council stood in silent tribute to Stan Roan and observed a minute's silence.

A. PROCEEDINGS FOR THE ELECTION OF A MAYOR**97. ELECTION OF MAYOR**

The Mayor, Councillor Branch, called formally for nominations for the Office of Mayor of the London Borough of Harrow for the ensuing Municipal Year.

Councillor Toms nominated and Councillor Currie seconded that **COUNCILLOR MANOHARAN DHARMARAJAH** be elected Mayor for the Municipal Year 2003/2004.

Councillors Chris Mote and Thornton also spoke in support of the nomination of Councillor Dharmarajah.

There being no further nominations, the Mayor, Councillor Branch asked for a vote by a show of hands.

The nomination of Councillor Dharmarajah was secured unanimously by the whole number of the Council present. The Mayor declared Councillor Dharmarajah as duly elected Mayor.

RESOLVED:

THAT COUNCILLOR MANOHARAN DHARMARAJAH BE ELECTED MAYOR OF THE LONDON BOROUGH OF HARROW FOR THE MUNICIPAL YEAR 2003/2004.

98. INSTALLATION OF NEWLY ELECTED MAYOR

The retiring Mayor, Councillor John Branch, vacated the Chair and, after a short interval for robing, the newly elected Mayor, having made and subscribed the Declaration of Acceptance of Office, took the Chair.

The retiring Mayor handed to the duly elected Mayor **the Keys of the Corporate Seal**.

The Mayoress, Mrs Seedeви Dharmarajah, was then invested by the retiring Mayoress with her Medallion of Office.

The Mayor, Councillor Dharmarajah, then returned thanks for his election.

99. VOTE OF THANKS TO THE RETIRING MAYOR

Councillor Foulds formally moved a vote of thanks to the retiring Mayor, **Councillor Branch** and to the retiring Mayoress, **Mrs Gaye Branch**, which was seconded by **Councillor Toms**.

Councillors John Cowan, Thornton, John Nickolay, Thammaiah, Knowles, Lavingia, Jean Lammiman and Mrs Champagnie also endorsed the vote of thanks.

RESOLVED:

THAT THE COUNCIL PLACE ON RECORD ITS UNANIMOUS APPRECIATION OF AND SINCERE THANKS TO COUNCILLOR JOHN BRANCH AND MRS GAYE BRANCH FOR THEIR YEAR OF OFFICE AS MAYOR AND MAYORESS OF THE LONDON BOROUGH OF HARROW FOR 2002/2003.

100. PRESENTATION OF MEDALLIONS TO THE IMMEDIATE PAST MAYOR AND MAYORESS

The Mayor, Councillor Dharmarajah, on behalf of the Council presented a replica of the Mayor's Medallion to Councillor Branch in commemoration of his Mayoralty of the Borough 2002/03.

The Mayoress, Mrs Sedeevi Dharmarajah, presented to the immediate past Mayoress, Mrs Gaye Branch, a Medallion to commemorate her year as Mayoress of the Borough 2002/03.

101. EXPRESSION OF THANKS BY IMMEDIATE PAST MAYOR

Councillor John Branch thanked Members for their kind words. He also expressed his heartfelt thanks to his wife, Mrs Gaye Branch, for the wonderful support she had provided in her role as Mayoress through the last year. Additionally the work of the Mayoress's Committee in support of the Mayor's special charity had raised the commendable total of £15,000 for Macmillan Cancer Relief and The Church Lads' and Church Girls' Brigade, Christ Church, Roxeth, which was a great credit to all those involved.

Councillor Branch paid tribute to his Chaplain, the Reverend Francis Jakeman, who had served for the Municipal Year.

He offered his special thanks to the Mayoral staff, Mrs Ball, Mr Deans and Mr Carlin for their 100% punctuality and reliability. They were a commendable team who had contributed so much to his Mayoral Year.

Councillor Branch extended general thanks to the officers of the Council for all their assistance to him and, in particular, the Borough Solicitor to the Council for his assistance not least with the guidance and advice relating to the Constitution and Chairing Council.

In recalling his Mayoral Year, Councillor Branch referred especially to the many functions which he had attended and the opportunities to meet the people of the Borough. He had been impressed by the welcome given everywhere to the Mayor and the sense of well-being he had derived from these occasions.

He fondly remembered the visits made across the Borough, in particular the visits to meet pensioners. In total he had undertaken 22 religious engagements, and he asked the Council to support interfaith dialogue. He recalled how the Deputy Mayoress had enjoyed visiting the nurseries and the youngsters at school.

In conclusion, Councillor Branch extended his thanks to the Council for the honour of being the Borough's Mayor in 2002/03 and offered his best wishes to the new Mayor and Mayoress, Councillor Manoharan Dharmarajah and Mrs Sedeevi Dharmarajah, for their Mayoral Year ahead.

Councillor Branch then left the Dais and was escorted by the Macebearer to his seat in the Council Chamber.

102. APPOINTMENT AND INVESTITURE OF DEPUTY MAYOR AND DEPUTY MAYORESS

The Mayor signified in writing that he had appointed **Councillor Mrs Lurline Champagnie** to be Deputy Mayor for the Municipal Year 2003/2004.

The Deputy Mayor, having been duly invested with the Deputy Mayor's robe and Badge of Office, occupied the Deputy Mayor's Chair.

The Mayoress then invested the Deputy Mayoress, **Mrs Alice Parkin**, with her Medallion of Office.

The Deputy Mayor, **Councillor Mrs Lurline Champagnie**, then returned thanks for her appointment.

103. CHAPLAINCY

The Mayor confirmed to the Council that he had appointed the Deacon Tony Martin as his Mayor's Chaplain for the Municipal Year 2003/04.

B. APPOINTMENT OF EXECUTIVE OFFICES 2003/2004**104. ELECTION OF LEADER OF THE COUNCIL**

Further to Item 4 on the Council Summons and the provisions of Article 7 of the Constitution ("The Executive"), Paragraph 7.03 thereof provided for the annual appointment of the Leader of the Council.

RESOLVED:

THAT COUNCILLOR ARCHIE FOULDS BE RE-ELECTED LEADER OF THE COUNCIL FOR THE MUNICIPAL YEAR 2003/2004.

105. ELECTION OF DEPUTY LEADER OF THE COUNCIL

Item 4 on the Annual Council Summons also proposed that the Meeting consider the appointment of a Deputy Leader of the Council.

RESOLVED:

THAT COUNCILLOR NAVIN SHAH BE RE-ELECTED DEPUTY LEADER OF THE COUNCIL FOR THE MUNICIPAL YEAR 2003/2004.

106. APPOINTMENT OF LEADERS AND DEPUTY LEADERS OF THE GROUPS**RESOLVED:**

THAT THE CONFIRMATION PROVIDED BY THE THREE POLITICAL GROUPS OF THEIR RESPECTIVE LEADERS AND DEPUTY LEADERS FOR THE MUNICIPAL YEAR 2003/04 BE NOTED AS FOLLOWS:

<u>Group</u>	<u>Leader</u>	<u>Deputy Leader</u>
Labour (Major Minority)	Councillor Foulds	Councillor N. Shah
Conservative	Councillor C. Mote	Councillor D. Ashton
Liberal Democrat	Councillor Miss Lyne	Councillor Thornton

107. "CABINET MEMBERSHIP" MOTION

The mover and seconder of the Motion appearing at Item 5 of the Council Summons sought leave of the Council to withdraw their Motion, to which request the Council indicated its assent.

RESOLVED:

THAT IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 17.8 "WITHDRAWAL OF A MOTION" THIS ITEM BE CONSIDERED WITHDRAWN.

108. EXECUTIVE FUNCTIONS 2003/2004

Under Article 7 of the Constitution the Executive Functions for the following Municipal Year are reported to Annual Council by the Leader. Further to Item 6 on the Summons and the confirmation provided in a document circulated within the Supplemental Summons, it was,

RESOLVED:

THE EXECUTIVE FUNCTIONS FOR 2003/2004 BE APPROVED (as set out at Appendix 1 to these Minutes).

C. GENERAL MATTERS**109. MINUTES****RESOLVED:**

THAT THE MINUTES OF THE PREVIOUS COUNCIL (COUNCIL TAX) MEETING HELD ON 27 FEBRUARY 2003, HAVING BEEN PRINTED AND CIRCULATED, AND SUBJECT TO THE TWO CORRECTIONS AS NOW NOTIFIED BE TAKEN AS READ AND SIGNED AS A CORRECT RECORD.

110. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest to be made by Members of Council in relation to the business on the Annual Council Summons.

111. CIVIC FUNCTIONS

Further to the notification provided by the Mayor of forthcoming functions,

RESOLVED:

THAT THE COUNCIL NOTE THE DATES OF THE FOLLOWING CIVIC FUNCTIONS:-

- (1) Annual Civic Service at St Mary's Church, Harrow on the Hill, at 10.30 a.m. on Sunday 22 June 2003.
- (2) Battle of Britain Thanksgiving Service on Sunday 21 September 2003.
- (3) Remembrance Day Service at the Civic Centre on Sunday 9 November 2003.
- (4) Mayoress's Ball at Elliot Hall, Uxbridge Road, on Saturday 15 November 2003.

112. MAYORAL ANNOUNCEMENT: SPECIAL CHARITY 2003/04

The Mayor, Councillor Dharmarajah, advised the Council that his Special Charity appeal for the forthcoming Municipal Year would be in aid of St Luke's Hospice. In addition the Appeal would be supporting Age Concern.

D. ESTABLISHMENT OF COMMITTEES AND DELEGATIONS 2003/04**113. "OVERVIEW AND SCRUTINY COMMITTEE MEMBERSHIP" MOTION:**

The mover and seconder of the Motion appearing at Item 11 of the Council Summons sought leave of the Council to withdraw their Motion, to which request the Council indicated its assent.

RESOLVED:

THAT IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 17.8 "WITHDRAWAL OF A MOTION" THIS ITEM BE CONSIDERED WITHDRAWN.

114. DETERMINATION AS TO THE SIZE OF COMMITTEES OF THE COUNCIL AND THE PROPORTIONAL ALLOCATION OF COMMITTEE PLACES

Further to the provisions of the Local Government (Committees and Political Groups) Regulations 1990, the Borough Solicitor had prepared and notified to the political groups on the Council, a Determination under the Regulations as to their proportional entitlements to places on Committees for the Municipal Year 2003/04.

RESOLVED:

THAT THE DETERMINATION AS TO THE PROPORTIONAL ALLOCATION OF COMMITTEE PLACES BE HEREBY CONFIRMED.

115. APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES

The Annual Council Meeting received in a Supplementary Summons further to Item 13 on the original Summons, confirmation of the nominations by the political Groups to places on the Committee of the Council in accordance with the formal determination as to the proportional entitlement of the Groups.

RESOLVED:

THAT THE COMMITTEES OF THE COUNCIL BE ESTABLISHED WITH THE MEMBERSHIPS NOW AGREED FOR THE MUNICIPAL YEAR 2003-04 (as set out in Appendix 2 to these minutes).

116. CHAIR OF DEVELOPMENT CONTROL COMMITTEE - MOTION

The Motion appearing at Item 14 of the Summons was moved by Councillor C Mote, seconded by Councillor Mrs Bath.

The Motion received the general assent of the Meeting.

RESOLVED:

THAT THE MOTION BE ADOPTED IN THE FOLLOWING TERMS:- "THIS COUNCIL AGREES THAT THE CHAIR OF DEVELOPMENT CONTROL COMMITTEE BE A STAND ALONE CHAIRMAN AND NOT A PORTFOLIO HOLDER."

117. APPOINTMENT OF CHAIRS TO COUNCIL COMMITTEES

Further to Item 15 of the Summons, the Council Meeting received in a supplementary Summons confirmation from the political Groups of nominations to the office of Chair of certain Committees of the Council, which were formally approved.

RESOLVED:

THAT THE FOLLOWING CHAIRS OF COMMITTEES BE APPOINTED FOR THE MUNICIPAL YEAR 2003-04:-

Development Control Committee	Councillor Anne Whitehead
General Purposes and Licensing Committee	Councillor Bluston
Overview and Scrutiny Committee	Councillor Jean Lammiman

(Note: The above appointments are also reflected in Appendix 2 to these Minutes – see Resolution 115 above).

118. TERMS OF REFERENCE FOR COUNCIL COMMITTEE AND DELEGATED POWERS

Further to the Constitutional requirement to receive a proposal from the Leader of the Council as to the terms of reference and delegated powers for Committees of the Council, it was advised that the existing arrangements as set out in Part 3 of the Constitution continue.

RESOLVED:

THAT THE TERMS OF REFERENCE AND DELEGATED POWERS FOR COMMITTEES OF THE COUNCIL IN PART 3 OF THE CONSTITUTION BE CONFIRMED.

119. DELEGATIONS TO OFFICERS

Further to the Constitutional requirement to receive a proposal from the Leader of the Council as to certain delegations to Chief Officers of the Council it was advised that the existing arrangements as set out in Part 3 of the Constitution continue, with the inclusion of the revisions to the delegated powers of the Chief Planning Officer as agreed at the Development Control Committee on 15 January 2003.

RESOLVED:

THAT THE DELEGATIONS TO OFFICERS IN PART 3 OF THE CONSTITUTION, AS AMENDED, BE CONFIRMED.

E. COUNCIL MEETINGS**120. DATES OF COUNCIL MEETINGS**

Further to the information provided at Item 18 of the Summons,

RESOLVED:

THAT THE FOLLOWING DATES FOR MEETINGS OF THE COUNCIL IN THE MUNICIPAL YEAR 2003/04 HEREBY BE CONFIRMED

25 SEPTEMBER 2003	
23 OCTOBER 2003	
22 JANUARY 2004	(COUNCIL TAX TAXBASE)
26 FEBRUARY 2004	(COUNCIL TAX)
29 APRIL 2004	
13 MAY 2004	(ANNUAL COUNCIL)

F. LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2001**121. MEMBERS ALLOWANCE SCHEME 2003/2004**

Further to Item 19 on the Summons Members were asked to confirm the re-adoption of a Members Allowance Scheme for the financial year 2003/2004, (with effect from 1 April 2003), as required by the Local Authorities (Members Allowances) (England) Regulations.

Following debate and upon a vote, the proposed Members' Allowances Scheme was carried

RESOLVED:

THAT THE MEMBERS' ALLOWANCE SCHEME FOR 2003/2004 BE ADOPTED (as attached at Appendix 3 to these minutes).

(Notes: (1) Councillor Mrs Bath wished to be recorded as voting against the above decision;

(2) Councillors Knowles, John Nickolay and Pinkus wished to be recorded as abstaining from voting.)

122. SPECIAL RESPONSIBILITY ALLOWANCES (SCHEDULE 1) – MOTION

- (i) Further to Item 20 on the Summons "Special Responsibility Allowances (Schedule 1)" Councillor C Mote moved and Councillor Mrs Bath seconded the following Motion:-

"This Council agrees to change the five bands of Special Responsibility Allowances with effect from the Annual Council Meeting of 15 May 2003 until the Council Meeting on 25 September 2003 as follows:-"

[Note: The Motion then referred to a revised Schedule 1 as appended with the original Summons].

- (ii) In a tabled document the mover and seconder gave notice of two minor typographical corrections to the Schedule which were noted and agreed.
- (iii) Councillor Foulds moved and Councillor N. Shah seconded the following amendment, which by the general assent of the Council was agreed:-

Deletion/substitution:

Within Band 3 (second category), to delete the words "Nominated member of the Second Minority Party on Overview and Scrutiny Committee"

and to substitute the words

"Nominated member of the largest party not holding the Chair of the Overview and Scrutiny Committee".

Deletion/substitution:

Within Band 3 (fifth category), to delete the words
“Nominated Member of the Second Minority Party
of the Development Control Committee”

and to substitute the words

“Nominated member of the largest party not
holding the Chair of the Development Control
Committee.”

- (iv) The Motion together with the substantive Schedule 1, as amended, was approved by general consensus of the Meeting.

RESOLVED:

THE MOTION SET OUT AT (i) ABOVE BE ADOPTED, TOGETHER WITH THE SUBSTANTIVE SCHEDULE 1 ARISING, AS THEN AMENDED AT (iii) ABOVE (which Schedule 1 is attached at Appendix 4 to these Minutes).

G. REPORTS FROM COUNCIL COMMITTEES**123. RECOMMENDATIONS FROM COMMITTEES**

The following two Recommendations were submitted to the Annual Council Meeting.

RESOLVED:

THAT THE COUNCIL RECEIVE AND UPON CONSIDERATION, CONFIRM OR OTHERWISE DETERMINE THE RECOMMENDATIONS ARISING FROM THE FOLLOWING MEETINGS.

(1) HEALTH AND SOCIAL CARE SCRUTINY SUB COMMITTEE: 24 MARCH 2003

RECOMMENDATION 1: Principles and Protocols for Local Authority Scrutiny of the National Health Service.

The Recommendation was adopted as printed.

(2) STANDARDS COMMITTEE: 8 APRIL 200

RECOMMENDATION I: Protocol for Dealing with Planning Applications and Lobbying.

The Recommendation was adopted as printed.

(N.B. The Protocol as adopted further to Recommendation I above incorporated all the revisions requested by both the Standards Committee and the Development Control Committee).

(Note: The adopted Protocol is attached as Appendix 5 to these Minutes).

H. REPORTS FROM THE EXECUTIVE**124. SPECIAL URGENCY DECISIONS TAKEN BY THE EXECUTIVE**

In accordance with the Overview and Scrutiny Committee Procedure Rules set out in Part 4 of the Constitution, the Borough Solicitor is required to report to the Council any decisions taken as a matter of urgency on behalf of the Executive (that is, as individually authorised by the Portfolio Holders).

RESOLVED:

THAT THE URGENT DECISIONS TAKEN BY THE RELEVANT PORTFOLIO HOLDER BE NOTED.

I. APPOINTMENT OF REPRESENTATIVE ON OUTSIDE BODIES

125. OUTSIDE BODY APPOINTMENTS 2003/04

- (i) Item 24 on the Summons provided for the receipt of proposals from the Groups as to the appointment of representatives of the Authority to serve on outside bodies for the Municipal Year 2003/04.
- (ii) The nominations of the political Groups to places on outside bodies were notified in the circulated Supplemental Summons.
- (iii) The Council received and agreed the following changes to the nominations as had been proposed:-

<u>Outside Body</u>	<u>Original Nomination</u>	<u>Revised Nomination</u>
1. (2) Age Concern, Harrow	1. Cllr Mrs Champagne	1. Cllr Kara
24. Harrow on the Hill Forum: Group Members	2. Cllr Knowles	2. Cllr Anjana Patel
49. Middlesex Guildhall Collection and Trust Fund	3. Cllr Branch *	3. Cllr Dharmarajah *

- (iv) Councillor C Mote moved and Councillor D Ashton seconded an amendment proposing the deletion of certain nominations and their substitution by new nominations, as follows:-

<u>Outside Body</u>	<u>Original Nomination</u>	<u>Substitute Nomination</u>
2. Association of London Government Committees and Panels		
(i) Leaders' Committee	Appointee Cllr Foulds Deputy 1. Cllr N Shah Deputy 2. Cllr Dighé	Cllr C Mote Cllr D Ashton Cllr John Cowan
(ii) Greater London Provincial Council	Deputy Cllr N Shah Deputy Cllr Toms	Cllr D Ashton Cllr C Mote
(iii) Grants Committee	Appointee Cllr Thammaiah Deputy 1. Cllr N Shah Deputy 2. Cllr Harrison Deputy 3. Cllr Bluston Deputy 4. Cllr Omar	Cllr Joyce Nickolay Cllr Arnold Cllr Marilyn Ashton Cllr Anjana Patel Cllr Billson
(iv) Transport and Environment Committee	Appointee Cllr Anne Whitehead Deputy 1. Cllr Blann Deputy 2. Cllr Kinsey Deputy 3. Cllr O'Dell Deputy 4. Cllr Gate	Cllr John Nickolay Cllr Harriss Cllr Mrs Kinnear Cllr Arnold Cllr Mrs Bath
26. Harrow Primary Care Trust Management Board	Observer Cllr Ann Groves	Cllr Silver
73. University of Westminster – Court of Governors	Co-optee Cllr Thammaiah	Cllr Versallion
78. West London Waste Authority	Cllr Blann	Cllr Romain
79. West London Waste Areas Landfill Tax Credit Panel	Cllr Blann	Cllr Romain

The Council undertook a separate vote on the proposal in relation to each outside body and each separate Committee of the Association of London Government, as listed above. In all but one of these votes an equality was recorded for and against the amendment proposals, on which the Mayor then exercised a casting vote of the Chair against the amendment. In respect of "73. University of Westminster – Court of Governors" the amendment was lost on the vote.

- (v) Councillor Branch moved and Councillor Thornton seconded an amendment proposing the deletion of a nomination and the substitution of a new nomination as follows:-

<u>Outside Body</u>	<u>Original Nomination</u>	<u>Substitute Nomination</u>
31. Harrow Young Musicians - Managing Body	1. Cllr Toms	1. Cllr Branch

An equality of votes for and against the amendment were recorded: the Mayor exercised a casting vote as Chair against the amendment.

- (vi) The substantive proposal, as varied at (iii) above, was approved.

RESOLVED:

THAT THE SUBSTANTIVE MOTION AS TO THE OUTSIDE BODY APPOINTMENTS FOR THE MUNICIPAL YEAR 2003/04 (INCLUDING THE AGREED AMENDMENTS) BE APPROVED (the list of the appointments is attached as Appendix 6 to these Minutes).

(CLOSE OF MEETING: All business having been completed, the Mayor declared the Annual Meeting closed at 9.20 p.m.).

APPENDIX 1

ITEM 6 ON THE SUMMONSEXECUTIVE FUNCTIONS 2003/2004REPORT OF THE LEADER OF THE COUNCIL

(Rule 3.2, Executive Procedure Rules of the Constitution).
(Article 7 of the Constitution – The Executive).

The following information is required to be reported to the Annual Meeting by the Leader of the Council.

(1) THE EXECUTIVE

Paragraph 7.02 of Article 7 provides for the determination by the Council of the size and membership of the Executive (to consist of the Executive Leader (see Item 4), together with at least two but not more than nine other Councillors).

The proposal as to the Members of the Executive and the allocation of portfolios is as follows (Rule 3.2, paragraphs (a), (b), (c), (d) and (e)):-

<u>Executive Member (Ward)</u>	<u>Office/Portfolio</u>	<u>Delegated Authority</u>
		(This remains largely unchanged: the existing delegations as set out in Part 3 of the Constitution continue, except as otherwise now stated).
Councillor Foulds (Kenton East)	Leader Strategy and External Affairs	No change
Councillor Navin Shah (Kenton East)	Deputy Leader Partnership and Property	Delete Best Value and Performance Management Add "Property" from the Finance and Human Resources PH which reads:- "To maintain an overview of and develop a strategy for the management of the Council's property portfolio". (See Page 3-26 of the Constitution)
Councillor Burchell (Edgware)	Planning, Development, Housing and Best Value.	Add paragraph (c) "Best Value" from the Deputy Leader (see Page 3-20 of the Constitution)
Councillor Margaret Davine (Edgware)	Social Services	No change
Councillor Dighe (Kenton West)	Finance and Human Resources and Performance Management	Delete Property Add paragraph (d) "Performance Management" from the Deputy Leader (see Page 3-20 of the Constitution)

Councillor O'Dell (Marlborough)	Environment and Transport	No change
Councillor Stephenson (Headstone South)	Education and Lifelong Learning	No change
Councillor Chris Mote (Pinner South)	-	-
Councillor David Ashton (Belmont)	-	-
Councillor Miss Lyne (Harrow Weald)	-	-

(2) **EXECUTIVE COMMITTEE:** (New Harrow Project Panel).

(3) **ADVISORY PANELS AND CONSULTATIVE FORUMS:**

The proposed memberships of these bodies at (2) and (3) were submitted for the information of the Annual Council Meeting.

(Note: The formal establishment of these Executive Side Panels was to be undertaken by the Cabinet at its meeting on 20 May 2003).

(II) DEVELOPMENT CONTROL COMMITTEE (11)

	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrats</u>
	(5)	(5)	(1)
<u>I.</u> <u>Members</u>	Bluston Choudhury Idaikkadar Miles Anne Whitehead (CH)	Marilyn Ashton * Mrs Bath Kara Knowles Mrs Joyce Nickolay	Thornton
<u>II.</u> Reserve Members	1. Ismail 2. Blann 3. Thammaiah 4. Mrs R Shah 5. Ray	1. Harriss 2. Billson 3. Versallion 4. Arnold 5. Seymour	1. Branch 2. Miss Lyne

(CH)
(VC)
*

= Chair
= Vice-Chair
Denotes Group Members for consultation on Executive Action and/or administrative matters.

(III) GENERAL PURPOSES AND LICENSING COMMITTEE (11)

	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrats</u>
	(5)	(5)	(1)
<u>I.</u> <u>Members</u>	Blann Bluston (CH) Ann Groves O' Dell Ray	Mrs Bath Janet Cowan Knowles * Vina Mithani John Nickolay	Branch
<u>II.</u> <u>Reserve Members</u>	1. Omar 2. Lavingia 3. Idaikkadar 4. Gate 5. Dharmarajah	1. Billson 2. Myra Michael 3. Osborn 4. Harriss 5. Versallion	1. Thornton 2. Miss Lyne

(CH)

= Chair

(VC)

= Vice-Chair

*

Denotes Group Members for consultation on Executive Action and/or administrative matters.

(IV) OVERVIEW AND SCRUTINY COMMITTEE (11)

	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrats</u>
	(6)	(5)	(0)
<u>I.</u>			
<u>Members</u>	Blann Mitzi Green Ann Groves Ingram Marie-Louise Nolan Thammaiah	Jean Lammiman (CH) Osborn Pinkus Seymour Versallion	
<u>II.</u>			
<u>Reserve Members</u>	1. Gate 2. Choudhury 3. Omar 4. Nana Asante 5. Lavingia 6. -	1. Myra Michael 2. Mrs Champagnie 3. Mary John 4. Miss Bednell 5. John Nickolay	

[Note: The Chair of each of the four substantive Scrutiny Sub Committees is an ex officio member of the Overview and Scrutiny Committee].

(CH) = Chair
 (VC) = Vice-Chair
 * Denotes Group Members for consultation Executive Action and/or on administrative matters.

(V) SCHOOL ORGANISATION COMMITTEE (20)

[Established as a Statutory committee by the Council in accordance with Regulations made under the School Standards and Framework Act 1998.]

(i) (Council Membership in order of political group nominations) (7)

	<u>Labour</u>	<u>Conservative</u>	
	(4)	(3)	
Members	Gate Ray Stephenson Thammaiah	Miss Bednell * Jean Lammiman Anjana Patel	
<u>Alternate Members</u>	1. Miles 2. Toms 3. Margaret Davine 4. Ismail	1. Janet Cowan 2. Janet Mote 3. Mrs Champagne	
 <u>Other Representatives</u>			
(ii)	Church of England:	Rev P Reece	(Mr G Edwards - Alternate)
(iii)	Roman Catholic Church:	Mr I Beck Mr J Coyle	Mr M Murphy
(iv)	Learning and Skills Council	Ms E Yates	
(v)	Schools (Parents/Secondary):	Mrs C Millard	(Vacancy - Alternate)
	Schools (Parent/Primary):	Mrs J Zane (Vacancy - Alternate)	(Vacancy) (Vacancy - Alternate)
	Schools (Headteacher):	Mrs M Arnold Mr D A Jones (Vice-Chair)	Mr B A Robertson
	Schools (Co-optee/Special):	Mrs P Langdon	(Vacancy - Alternate)
(vi)	HCRE:	Mr P Pawar	
Adviser: Mr B Leaver			

[Notes: (1) The Chair and Vice-Chair of the Committee to be appointed at the inaugural meeting of the Committee and thereafter annually at a Committee meeting;

(2) all appointments as members of the Committee are for a period not exceeding three years 'i.e. until May 2005 currently';

(3) members may nominate an alternate member to attend meetings of the Committee in their absence, subject to the requirements in the Regulations.]

HARROW ADMISSIONS FORUM (3)**Labour****(2)****Ray
Stephenson****Conservative****(1)****Janet Cowan****Other Representatives**

Community Schools (Governor)	-	Mary Graham
Community Schools (Primary)	-	Sue Jones
Community Schools (Secondary)	-	Allan Jones
Jewish School	-	Dr Ian Abrahams
Roman Catholic School	-	Mike Murphy
Church of England School	-	(Vacancy)
Church of England Diocese	-	Kris Uttley
Catholic Schools Diocese	-	(Vacancy)
Primary Elected Parent Governor Representative	-	Mr H Epie
Secondary Elected Parent Governor Representative	-	Mr Sutcliffe
Harrow Council for Racial Equality	-	Prem Pawar
Early Years Development Partnership	-	Helena Tucker
Social Services Representative	-	(Vacancy)

(VI) STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (3)**Labour**
(2)**Conservative**
(1)**I.**
Members**Choudhury**
Gate**Mrs Champagnie****II.**
Reserve
Members1. Ismail
2. Nana Asante
3. -1. Janet Cowan
2. Anjana Patel
3. Janet Mote

(Note: Chair to be appointed at a SACRE meeting).

(VII) STANDARDS COMMITTEE (6) (Non-proportional)

	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrats</u>
	(3)	(2)	(1)
<u>I. Members</u>	Ann Groves Harrison Thammaiah	Janet Cowan * Mrs Joyce Nickolay	Miss Lyne
<u>II. Reserve Members</u>	1. Gate 2. Toms 3. Marie-Louise Nolan	1. Jean Lammiman 2. Osborn 3. Mrs Champagne	1. Thornton 2. Branch
<u>III. Independent Persons</u>	Independent Persons (2):- (Reserves: Membership rules:	Ms Bijal Thackrar (VC) and Reverend Peter Broadbent, Bishop of Willesden Ms Judy Bertram and Mr Edward Keal).	
	i. There must be at least 2 Councillors and one Independent person on the Committee; ii. An Elected Mayor or the Leader may not be members; iii. The Chair of the Committee must not be a member of the executive; iv. At least 25% of the membership must be Independent persons; v. Only one member of the executive can be a member of the Committee; vi. The rules on political proportionality do not apply.		

APPENDIX 3

LONDON BOROUGH OF HARROW
MEMBERS' ALLOWANCES SCHEME

1. This scheme shall have effect from 1st April 2003. It replaces all former schemes.

Basic Allowance

2. A basic allowance of £5,225 per annum shall be paid to each Councillor.

Special Responsibility Allowance

3. (1) A special responsibility allowance shall be paid to those Councillors who have the special responsibilities in relation to the posts specified in Schedule 1 to this scheme. No Member may receive special responsibility allowances in respect of more than one post.
- (2) The amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

Travel and Subsistence Allowances

4. The reimbursement of travel and subsistence expenses incurred in respect of **approved duties** (as set out in Schedule 2) **undertaken outside the Borough boundaries** can be claimed up to the maximum rates set, and subject to such conditions determined, by the Office of the Deputy Prime Minister (ODPM) from time to time.

Carers' Allowance

5. (1) The allowance shall only be paid for attendance at approved duties as listed in Appendix B.
- (2) The maximum basic rate of pay is £2.61 per half hour for the duration of the meeting together with the Member's travel time between home and the place of the meeting and the carer's reasonable travelling time. Where a professional carer is required to meet a specialist need (eg a nurse for an elderly person) then actual costs will be paid **on receipt of an invoice**.
- (3) Where the length of the meeting cannot be predicted and payment to the carer is necessarily contractually committed then a payment of up to 4 hours will be made. (For day time quasi-judicial meetings, payment of up to 8 hours may be made if the estimated length of the meeting is for the whole day).
- (4) In addition, the reasonable travelling expenses of the person taking care of the dependent shall be reimbursed either at the appropriate public transport rate, or in cases of urgency or where no public transport is available, the amount of any taxi fare actually paid.
- (5) The allowance is not to be paid where the carer is a member of the Member's household.

Claims and Payments

6. (1) A claim for allowances or expenses under this scheme shall be made in writing within two months of the date of undertaking the duty in respect of which the entitlement to the allowance or expense relates.
- (2) Payment shall be made
- (a) in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme each month;
- (b) in respect of out-borough travel and subsistence expenses and Carers' Allowance, each month in respect of claims received up to one month before that date.

Renunciation

7. A councillor may by notice in writing given to the Borough Secretary and Solicitor to the Council elect to forego any part of his/her entitlement to an allowance under this scheme.

Appendix B

Approved duties for Carers' Allowance

- A meeting of the Executive.
- A meeting of a committee of the executive.
- A meeting of the Authority.
- A meeting of a committee or sub-committee of the Authority.
- A meeting of some other body to which the Authority make appointments or nominations, or
- A meeting of a committee or sub-committee of a body to which the Authority make appointments or nominations.
- A meeting which has both been authorised by the Authority, a committee, or sub-committee of the Authority or a joint committee of the Authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the Authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups).
- A meeting of a Local Authority association of which the Authority is a member.
- Duties undertaken on behalf of the Authority in pursuance of any Procedural Rule of the Constitution requiring a member or members to be present while tender documents are opened.
- Duties undertaken on behalf of the Authority in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- Duties undertaken on behalf of the Authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

There are four bands of SRAs:-

Band	Post	<u>SRA - £/annum</u>
1	Deputy Leaders of the Second and Third Minority Groups Chief Whips of all Political Parties One Assistant to each Cabinet Member Chair of the General Purposes and Licensing Committee Chair of the Standards Committee	992.75
2	Chair of the Overview and Scrutiny Committee Vice Chair of the Overview and Scrutiny Committee Chairs of the Scrutiny Sub-Committees (excluding Call-in): Environment and Economy Scrutiny Sub-Committee Health and Social Care Scrutiny Sub-Committee Lifelong Learning Scrutiny Sub-Committee Strengthening Communities Scrutiny Sub-Committee Chair of the Traffic Advisory Panel Vice Chair of the Development Control Committee Leader of the Second Minority Group Leader of the Third Minority Group	6,426.75
3	Chair of the Development Control Committee Cabinet Portfolio Holders (excluding the Leader and Deputy Leader): Planning, Development and Housing Education and Lifelong Learning Environment and Transport Social Services Finance and Human Resources Deputy Leader	12,853.50
4	Leader	19,280.25

N.B. Only one SRA is payable per Member

SCHEDULE 2

CLAIMS FOR OUT-OF-BOROUGH TRAVEL AND SUBSISTENCE EXPENSES

Duties Undertaken Out-of-Borough

Claims for travel and subsistence expenses incurred can normally only be paid in respect of approved duties undertaken at venues out of the Borough. Expenses will be reimbursed up to the current Office of the Deputy Prime Minister (ODPM) maximum permitted rates, subject to such conditions determined by the ODPM.

1. Members may claim travel and subsistence expenses in respect of the following **out-of-Borough** duties:-

- (a) Attendance at any meeting which may be convened by the Authority provided that Members of at least two groups are invited and the meeting is not convened by officers.
- (b) Attendance at a meeting of an outside body to which the Member has been appointed or nominated as a representative of the Council, where the Outside Body does not itself operate a scheme to reimburse travel and subsistence expenses.
- (c) (i) attendance at an appropriate out-of-Borough conference, seminar, meeting or other appropriate non-political event as a representative of an Outside Body to which that Member has been either nominated or appointed by Council to serve in a role with a specific pan-Authority remit;
- (ii) attendance at meetings in the capacity of a direct appointee of a Local Authority Association, joint or statutory body or other London-wide or national body subject to the following proviso:

that the Member serves on the appointing body by virtue of an appointment made by Council to an authorised Outside Body;

subject in either case to the Outside Body/Bodies concerned themselves not making provision for any travel and subsistence expenses necessarily incurred.

- (d) Attendance at a meeting of any association of local authorities of which the Authority is a member and to which the Member has been appointed as a representative.
 - (e) Attendance at a training session, conference, seminar or other non-political event, the attendance fees for which are being funded by the Council through a Departmental or a corporate budget.
 - (f) Attendance at any training session, conference, seminar or other non-political event for which there is either no attendance fee or any attendance fee is being met by the Member him/herself (or from the relevant political group secretariat budget) subject to the relevant Head of Service confirming that the content of the training, conference, seminar or event is relevant to the Member's responsibilities in respect of the services provided by the Authority or to the management of the Authority.
2. Duties for which out-of-Borough travel and subsistence expenses may not be claimed include:-
- (a) Political meetings or events.
 - (b) Any meetings of 'Outside Bodies' to which the Member has not been appointed or nominated by the Council as its representative.
 - (c) Meetings of the Governing Bodies of Schools.

APPENDIX 4

SCHEDULE 1
SPECIAL RESPONSIBILITY ALLOWANCES

There are five bands of SRAs:-

Band	Post	SRA - £/annum
1	Deputy Leaders of the Second and Third Minority Groups Chief Whips of all Political Parties One Assistant to each Cabinet Member Chair of the General Purposes and Licensing Committee Chair of the Standards Committee	992.75
2	Members of Cabinet that are not Portfolio Holders	2,978.25
3	Chair of the Overview and Scrutiny Committee Nominated Member of the largest party not holding the Chair of the Overview and Scrutiny Committee Chairs of the Scrutiny Sub-Committees (excluding Call-in): Environment and Economy Scrutiny Sub-Committee Health and Social Care Scrutiny Sub-Committee Lifelong Learning Scrutiny Sub-Committee Strengthening Communities Scrutiny Sub-Committee Chair of the Traffic Advisory Panel Nominated Member of the largest party not holding the Chair of the Development Control Committee Leader of the Second Minority Group Leader of the Third Minority Group	6,426.75
4	Chair of the Development Control Committee Cabinet Portfolio Holders (excluding the Leader and Deputy Leader): Planning, Development, Housing and Best Value Education and Lifelong Learning Environment and Transport Social Services Finance and Human Resources and Performance Management Deputy Leader	12,853.50
5	Leader	19,280.25

- N.B. (1) In the Council elected on 2 May 2002, the Groups are as follows:-
Largest Minority Group = Labour Group
Second Minority Group = Conservative Group
Third Minority Group = Liberal Democrat Group
- (2) Only one SRA is payable per Member

LONDON BOROUGH OF HARROW

PROTOCOL FOR MEMBERS AND RESERVE MEMBERS WHEN DEALING WITH PLANNING APPLICATIONS AND LOBBYING

1. Introduction

In making any determination under the Planning Acts, Members of the Council sitting on the Development Control Committee should have regard to the development plan (the Unitary Development Plan) and shall determine applications in accordance with the development plan unless material considerations indicate otherwise. Members must do this by balancing the needs and interests of the whole community and of individual constituents, alongside the need to maintain an ethic of impartial decision making on what may be highly controversial proposals.

The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision is biased, is not impartial or not well founded in any way.

1.2 When does this Code apply?

This Code applies to members at all times when involving themselves in the planning process, including planning appeals and planning enforcement. While this will normally be relevant for members (and reserves) on the Development Control Committee, it will also apply to **all** Council members at Council meetings if they exercise any functions of the Development Control Committee in determining planning applications and other issues. It applies to planning enforcement matters as well as to planning applications

1.3 The requirement for Member training before serving on the Development Control Committee

Planning legislation and guidance can be complex. The Office of the Deputy Prime Minister (ODPM), the Local Government Association (LGA), the Nolan Committee and the Royal Town Planning Institute all recommend that Members who have to make planning decisions should be specifically trained. The ODPM published guidance on Member training in May 1998, and the LGA updated its general guidance for Probity in Planning in 2002.

Members serving on the Development Control Committee must undergo training (which may be in a variety of alternative forms) validated and approved by the Planning Department before serving on the Committee, and must be updated regularly on changes to legislation or procedures. This training will be evidenced by records signed by the Member (e.g. attendance book)

2. Members' Interests and the Code of Conduct**2.1 Relationship of the Protocol to the Members' Code of Conduct**

The Members' Code of Conduct applies to all their work as Councillors, so members must apply the rules in that Code to their activity as a member of the Development Control Committee. Breach of the Code of Conduct may result in a complaint to the Standards Board for England.

Members must also apply the rules in this Protocol to their activity as a member of the Development Control Committee. The Protocol is a locally agreed document, which means Harrow's Standards Committee will investigate any breach of the rules within it.

Failure to follow the recommendations within this Protocol may also lead to an investigation into possible maladministration by the authority.

2.2 The registration of interests

Members must complete a '*Register of financial and other interests*' form as set down in the Code of Conduct. Councillors must review their register entry regularly and notify the Monitoring Officer of any change within 28 days.

2.3 Hospitality

Councillors must be very cautious about accepting gifts and hospitality, especially in relation to planning applications. The Code of Conduct requires members receiving gifts or hospitality (in their capacity as members) over the value of £25, to provide details to the Monitoring Officer, for inclusion in the 'Register of gifts and hospitality'. This notification must be made within 28 days of receiving the gift or hospitality.

2.4 Declaring an interest

Members must consider whether they have an interest in a matter under discussion, and if so, what type of interest it is.

A Member may have a **personal** interest in any matter under discussion:

'If the matter relates to an interest in respect of which the member has given notice in the statutory register of members interests; or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well being or financial position of themselves, a relative or friend, or:

- *Any employment or business carried on by such persons;*
- *Any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;*
- *Any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
- *Any body in which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management'.*

Where a member considers he or she has such an interest, he or she must declare it. The disclosure should state the existence and nature of the personal interest at any relevant meeting, including informal meetings with officers and other members.

Declaring a personal interest does not debar the member from participating in the decision unless the personal interest is also prejudicial.

A member with a personal interest must consider whether that interest is also prejudicial.

The Code says that a personal interest becomes a **prejudicial** one:

'If the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest'.

If a member has such an interest, he or she should not participate in a discussion on the matter. The member must state that he or she has a prejudicial interest, state the nature of that interest and must then withdraw from the room and must not seek to improperly influence a decision on the matter.

There are some exemptions in paragraph 12.2 of the Code, which allow a member with a prejudicial interest to continue to participate in the decision. If this is the case the member must still declare the prejudicial interest, but state the exception which allows him or her to remain and discuss the matter in question.

However, in order to reduce any suggestion of bias, members should consider carefully whether or not it is sensible to continue to take part in a planning decision where their prejudicial interest is covered by an exemption.

2.5 Planning applications affecting Members of the Council

If a planning application affects a member, either because they or their family or friends own the land or part of the land affected, or the proposal will affect their land or that of their family or friends, or they wish to act as an agent for the person(s) making the proposal, that member must inform the Chief Planning Officer of the application immediately.

The notification must state the application which affects the member's land, and the nature of the interest. It must be in writing, by letter, fax or e-mail. The notification should be made not later than the submission of the application, or as soon as the Member becomes aware of it, if s/he acquires such knowledge after submission.

This will enable the Chief Planning Officer to ensure that the interest is included on the agenda sheet for the relevant meeting. The interest will be included under the 'Declaration of interests' heading. . Members must also orally declare the interest at the meeting. This will help all members decide, early on, whether or not they can participate in a decision.

2.6 Members of the Council who are not members of Development Control Committee

Ward members wishing to speak in this capacity at Development Control meeting may do so provided they do not have a personal and prejudicial interest. They will also require the agreement of the Committee (Committee Procedure Rule 4.1 refers).

The member must tell the chair that they wish to speak in that capacity at the start of the meeting and must not sit in the member seating area during the meeting so that members of the public can clearly see which members are members of the Committee and which are not.

A space will be reserved for backbench members at the committee table, and when the relevant item is to be discussed, the backbench member will be called to sit at the table, will take part in the discussion of that item, and will then withdraw from the table before the decision is taken.

2.7 Interests of Cabinet and/or Executive Members

Where an application is made in which the Cabinet or Executive have an interest, any member of the Development Control Committee who is also an Executive Member must carefully consider whether they have a personal or prejudicial interest to declare.

3. The roles of members in planning decisions and the role of officers in supporting them

3.1 The role of elected Members

Elected members serving on the Development Control Committee determine planning applications and enforcement issues. When members are taking decisions relating to planning issues they will listen carefully to all the arguments in favour and against each proposal and will:

- Act fairly and openly;
- Approach each application with an open mind;
- Carefully weigh up all relevant issues;
- Consider the professional advice of officers;
- Determine each application on its own merits;
- Ensure that there are clear and substantial reasons for their decisions and that these are clearly stated;
- Ensure decisions are proportionate;
- Ensure respect for human rights.

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views may be strongly held by those involved. Whilst councillors should take account of these views, they must not favour any person, company, group or locality, not must they put themselves in a position where they appear to do so.

The setting of planning policy is the function of the Executive, and members of Cabinet must comply with the same criteria when taking planning policy decisions. Although this protocol is specifically intended for those members dealing with planning applications, it is generally as relevant to those sitting on the Executive, who should have training in planning matters before taking planning decisions.

3.2 The role of officers in relation to member decision making

Officers will advise and assist members in developing planning policy and in determining applications and enforcement issues by:

- Providing impartial and professional advice;
- Making sure all the information necessary for the decision to be made is given;
- Providing a clear and accurate analysis of the issues;
- Setting the applications and enforcement issues against the broader Unitary Development Plan policies and all other material considerations;
- Giving a clear recommendation;
- Carrying out the decisions of the Development Control Committee;
- Determining applications under powers delegated to them by the Council.

Where Members have factual questions about development proposals, it is very helpful for these to be put to officers, where possible, before the meeting. Not only can officers make sure all the information is obtained in response, but it also helps the effectiveness and efficiency of the committee meeting.

4. Lobbying (including representation and communication)

4.1 Lobbying of Councillors by applicants or objectors

It is quite common for applicants or other interested parties to wish to discuss a proposed development with elected members before the determination of a planning application. By the same token, those affected by a proposed decision may seek to influence it through an approach to their elected ward councillor or a member of the Development Control Committee.

Members who are likely to be directly involved in taking planning decisions must, therefore, explain to lobbyists that, whilst they may listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or the other when the application is considered by the Development Control Committee.

Lobbying can be perceived to affect the impartiality and integrity of a councillor. In order to avoid that perception, members are advised to:

- Avoid meeting an applicant, potential applicant, or objector alone;
- Listen to any representations made but not make it known in advance of the Development Control Committee meeting whether they support or oppose a proposal;
- Restrict any response they do give to procedural advice;
- Direct lobbyists or objectors, including written representations, to planning officers who can include reference to their opinions in the report;
- Not pressurise officers into making a particular recommendation in the report;
- Notify the Chief Planning Officer of the existence of any lobbying interests;
- Notify the Chief Planning Officer of any interest they have in the application.

Members of the Development Control Committee should not actively campaign either for or against planning applications.

Members should feel free to ask questions of officers in order to clarify their understanding of the proposals.

A member who feels they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) should tell the Monitoring Officer who can advise the relevant officer to take the matter up with the person concerned.

A Development Control Committee member who does not represent the ward affected will find it easier to take an impartial stance on an application. A member who represents the ward concerned, possibly one who has also been campaigning for or against the proposal will find it difficult to argue, when the decision is taken at the Committee, that they have weighed up the arguments for the first time at the meeting. They should therefore declare a prejudicial interest and not take part in the vote.

The responsibility for striking the right balance in this process lies with the individual member.

4.2 Discussions with potential applicants.

Potential applicants are encouraged to hold pre-application meetings with officers, but in order to avoid the perception that these are, or have become, a part of the lobbying process, these meetings:

- Should be at officer level;
- Will be at a forum prescribed for the purpose if they involve members;
- Where potentially contentious, will be attended by two officers including the Chief Planning Officer or his representative.

A note of the discussion will be taken and be kept on file and made available for inspection at the appropriate time

It will be made clear that the discussions will not bind the Council and that any views expressed are personal and provisional based on the Unitary Development Plan.

It will be made clear that at such meetings all the relevant information may not be at hand and formal consultations with interested parties will also be taking place.

It will be made clear whether or not members or officers will consider the application.

Members of the Development Control Committee should generally avoid meetings with applicants or potential applicants, and should seek officer advice before making any commitment to do so.

4.3 Member Site visits

Site visits can be useful to identify features of a proposal that may be difficult to identify from the plans and supporting material; where there are features of the proposal which are difficult to convey in a written report, or the proposal is particularly contentious. However, site visits may delay an application, and therefore will only be authorised where the expected benefit of so doing is substantial and/or where there are significant and complex policy implications.

The approach taken by Harrow Council is for site visits comprising an organised inspection by the committee members with officer assistance. Informal visits to view the site from the public domain can often be helpful to familiarise members with the issues to be considered, but members should avoid making contact with applicants, property owners or objectors in such circumstances.

Site visits by members alone at the request of applicants or objectors should not be undertaken and may lead to accusations of impartiality and maladministration.

A revised Procedure Note for Member Site Visits was agreed by Development Control Committee on 11 December 2002 and is attached as **Annex 1**.

5. **Committee Meetings**

5.1 Officer reports to Committee

To ensure that the Council is not accused of inadequate consideration of the issues, or inconsistent decision-making or non-existent reasoning behind a recommendation, the following rules will be followed in the preparation of reports for committee:

- Reports must be accurate and cover, amongst other things, the objections, the views of those consulted, and the officer response to consultations;
- Relevant information should include an outline of the relevant development plan policies; site description, proposal description, relevant planning history, applicant's statement (if any) and an appraisal of all relevant considerations;
- Reports must have a written recommendation;
- Information received after the report was finalised will be reported on the printed addendum circulated at the Committee meeting;
- Oral reporting (except where an update is required) should be avoided and carefully minuted where it is necessary;
- Reports must contain technical appraisals, including references to specific clauses of the UDP, which clearly justify a recommendation;
- If the report recommendation is contrary to the Development Plan, the material considerations that justify the departure must be clearly stated.

5.2 Public representations at Committee

Development Control Committee is held in public and the Council has a procedure for representations by applicants and objectors. The procedure applies only to applications for planning permission and consultations received from adjoining Councils that are to be determined by the Committee where the application is recommended for approval or 'grant'. It does not apply to applications which are recommended for refusal or those to be determined by the Chief Planning Officer under his delegated powers. The case officer dealing with the application will be able to say how the application is being determined and by whom, although in some instances this can change, where, for example, the nominated party member requests an application to be considered by the Committee.

The procedures to be applied are as follows:

- No later than 5.00pm on the day before the meeting, objectors should give the Committee Administrator (Tel: 020 8424 1269) notice of their wish to speak.

The following criteria will be applied:

- only one objector on each relevant planning application may normally address the Committee, but in exceptional circumstances two objectors may be allowed to speak;
- a group of objectors will be asked to nominate a spokesperson;

- the applicant or their agent may only make representations if an objector has addressed the committee (if there is none, the applicant or agent will not be permitted to speak);
- any person making representations may speak for a maximum of three minutes. On major or significant applications five minutes may be allowed, but this will be at the discretion of the committee;
- there will be no further verbal exchanges after the representation though members of the Committee may ask factual questions if clarification is needed.

Where the officer is recommending refusal of an application and the Committee is minded to disagree with that recommendation, the application will be deferred to the next meeting in order to allow renotification of consultees to advise them of the opportunity to make representations as outlined in this procedure.

The Committee Administrator will know whether objectors or applicants have asked to speak on an application, though the only sure way of knowing whether representations from objectors or applicants will be heard is to attend the meeting.

Copies of the agenda and reports for Development Control Committee meetings are available for inspection five clear working days before the meeting. These can be viewed in the Environmental Information Centre, the library next to the Civic Centre and on the Internet at www.harrow.gov.uk.

There is also a deputations procedure which applies to all other business discussed at Development Control Committee.

6. Making the decision

6.1 Making up your mind about planning applications

When members make their decisions at Development Control Committee they must be able to demonstrate that all the relevant facts and arguments have been taken into account. Members must not declare the way they intend to vote or express any opinion on the merits of the application before their attendance, and formal consideration, at the Development Control Committee.

Members should avoid giving a final view on an application before the Development Control meeting, as this may lead to the perception that the member has fettered their discretion. This places the Council at risk from a judicial review of the decision.

Even if a member has no personal or prejudicial interest in the matter, if they take a view on it prior to the Development Control Committee they should not attend the committee or participate in the decision.

A member with no personal or prejudicial interest may:

- Listen to and receive viewpoints from residents and other interested parties;
- Make comments to residents, interested parties, other members or appropriate officers provided they do not prejudice the issue and the member makes clear they are keeping an open mind;
- Seek information through the appropriate channels.

The overriding duty of members is to the whole community not just to the people in their ward, and, taking account of the need to make decisions impartially, members should not favour, or appear to favour, any person, company, group or locality.

6.2 Development proposals submitted by Councillors or Officers of the Council

Serving councillors who act as agents for members of the public or developers pursuing planning matters within the Council must play no part in the decision making process for those proposals.

Similarly, Councillors submitting their own proposals to the Council should play no part in its processing, though they may explain and justify their proposal to an officer in advance of the Development Control Committee meeting in the same way as any other applicant.

Such applications will be reported to Development Control Committee for decision, not determined by Officers.

Two particular sets of circumstances that have caused problems for members in the past are planning applications which involve the land of another member of that councillor's party. It is suggested that:

i) where a planning application includes land owned by a member of the Council in a member's political party, they clearly have a personal interest in the matter. They should also consider themselves to have a prejudicial interest and not participate in the discussion of the application. This is clearly the safest option for members and ensures there can be no breach of the Code of Conduct;

ii) If an application is made in respect of land adjacent to or nearby land owned by another councillor within a member's political party, they may be able to argue that they do not have either a personal or a prejudicial interest if they have no knowledge of the scheme, or the impact on the councillor other than that reported by officers, and they make no attempt to discuss the issue with anyone prior to the decision at Committee.

6.3 The party whip and discussions at group meetings

A decision on a Committee planning application will take place at the meeting of the Development Control Committee when all available information is to hand. This does not prevent members of the same party discussing proposed planning applications with each other, but a political group meeting prior to the Committee cannot be used to decide how representatives on the Development Control Committee should vote. The use of the party whip to try to influence the outcome of a planning application may amount to maladministration.

6.4 Planning Applications by the Council in respect of Council land

The Council itself requires planning permission to carry out or authorise development on land it owns. These applications will be treated in the same way as those from private applicants.

On 15 January 2003 the Development Control Committee agreed that applications for minor development of up to 100m² of floorspace on land owned, or where the Council holds an interest, may be determined under the delegated powers of the Chief Planning Officer. This delegation is subject to the proviso that the proposals, in the opinion of the Chief Planning Officer, do not conflict with agreed policies, standards and guidance.

6.5 Reserve members

Where a reserve member attends a Development Control Meeting, that reserve must determine applications on their merits and cannot be mandated by the absent member.

6.6 Decisions contrary to Officer Recommendations

From time to time, Councillors may disagree with the advice of the Chief Planning Officer. In such cases it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the officer's advice will be clearly stated, whatever the recommendation, recorded in the minutes of the meeting and a copy placed on the application file.

The officer must be given the opportunity to explain any implications of the contrary decision.

Where an appeal arises against such a decision officers will support the Development Control Committee in preparing evidence for the appeal.

Where conditions included in an officer report are amended by the Committee, an officer should be asked to draft the new conditions and these will be approved by the Chair and nominated members via the non-Executive Action procedure. The date of the decision in these circumstances will be the date the non-Executive Action is signed by the last signatory.

7. **Complaints**

Any issues or concerns arising from this Protocol can be raised with the Monitoring Officer, the Chair of Development Control Committee or the Chair of the Council's Standards Committee.

The Urban Living Directorate also has a formal complaints system in operation which can be used if necessary.

APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2003/04

	<u>NAME OF BODY</u>	<u>NO. OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
1.	(1) Age Concern London Conference	1	1. Groves	N/a
	(2) Age Concern Harrow	2	1. Kara 2. Groves	N/a
2.	Association of London Government Committees and Panels			
	(i) Leaders' Committee (s1010 Joint Committee)	1 (+ 2 Deputies)	<u>Appointee:</u> 1.Foulds	<u>Deputies:</u> 1.N Shah 2.Dighé
	(ii) Greater London Provincial Council	2 Deputies	N/a	<u>Deputies:</u> 1. N Shah 2. Toms
	(iii) Associated Joint Committee (ALG Grants Committee)	1 (+ 4 Deputies)	<u>Appointee:</u> 1.Thammaiah	<u>Deputies:</u> 1.N Shah 2.Harrison 3.Bluston 4.Omar
	(iv) Associated Joint Committee (Transport & Environment Committee)	1 (+ 4 Deputies)	<u>Appointee:</u> 1.Whitehead	<u>Deputy:</u> 1.Blann 2.Kinsey 3. O'Dell 4.Gate
	(v) Culture & Tourism Panel	1 (+ 1 Deputy)	<u>Appointee:</u> 1.Groves	<u>Deputy:</u> 1.Thammaiah
	(vi) Crime and Public Protection Panel	1 (+1 Deputy)	<u>Appointee:</u> 1.N Shah	<u>Deputy:</u> 1.Omar
	(vii) Economic Development Panel	1 (+1 Deputy)	<u>Appointee:</u> 1.Burchell	<u>Deputy:</u> 1.Dighé
	(viii) Education Panel	1 (+1 Deputy)	<u>Appointee:</u> 1.Stephenson	<u>Deputy:</u> 1.Ray
	(ix) Health & Social Care Panel	1 (+1 Deputy)	<u>Appointee:</u> 1.Davine	<u>Deputy:</u> 1.Currie
	(x) Housing Panel	1 (+1 Deputy)	<u>Appointee:</u> 1.Burchell	<u>Deputy:</u> 1.Currie
	(xi) ALG Lead Member for Equalities	1	1.Dighé	N/a
3.	Bentley Priory Nature Reserve	4	1.Mrs C Bath 2.Blann 3.Pinkus 4.O'Dell	N/a
4.	Carequest Board	1	1.Staff Development and Training Officer	N/a
5.	Court of City University	1	1.Stephenson	N/a

	<u>NAME OF BODY</u>	<u>NO OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
6.	Deputy Lord Lieutenant's Committee	5	1. The Mayor 2. The Deputy Mayor 3. Thornton 4. C Bath 5. C Mote	N/a
7.	Edward Harvist Charity	1	1. Bluston (Sept 2001 - Aug 2005)	N/a
8.	Edward Robinson Education Foundation	2	1. Lent 2. Lyne	N/a
9.	Environment Agency Thames Region, Regional Flood Defence Committee	(Joint appointment with Boroughs of Barnet, Brent and Hounslow for 2002-2006)	1. Councillor B Colman (London Borough of Barnet)	N/a
10.	Environmental Forum (Local Agenda 21)	4 (+ Reserves)	<u>Appointees:</u> 1. Blann 2. Harris 3. Mary John 4. Miles	<u>Reserves:</u> 1. O'Dell 2. Billson 3. Janet Cowan 4. Nolan
11.	Greater London Enterprise Ltd	1	1. Burchell	N/a
12.	Harrow (and District) Telecommunications Advisory Committee	1	1. Choudhury	N/a
13.	Harrow Association of Disabled People	3	1. Groves 2. Mary John 3. Silver	N/a
14.	Harrow Association of Voluntary Service	3	1. Choudhury* 2. Mary John* 3. Lavingia (* to serve on Executive Committee)	N/a
15.	Harrow Citizens' Advice Bureau (Management Committee)	2	1. Arnold 2. Gate	N/a
16.	Harrow Colleges' Further Education Corporation Board	2	1. Stephenson 2. Manager, Arts and Leisure Services (September 2001- August 2005)	N/a
17.	Harrow Community Health Council [Note: Organisation is due to be wound up at the end of August 2003; existing appointments extended until August 2003]	12	1. Mr J Grenfell [July 1995] (Sept 2000 - Aug 2004) 2. Mr P Budden [April 2000] (Sept 2000 - Aug 2004) 3. Mrs A Diamond [July 1995] (Sept 2000 - Aug 2004)	N/a N/a N/a

	<u>NAME OF BODY</u>	<u>NO OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
			4. Cllr. Miss Lyne [July 1995] (Sept 2000 – Aug 2004)	N/a
			5. Mr S Alam [May 2001] (Sept 2000 - Aug 2004)	N/a
			6. Mr R Frogley (May 2002) (Sept 2000 - Aug 2004)	N/a
			7. Mr B R Jones [September 2000] (Sept 1998 - Aug 2002)	N/a
			8. Mr O W N Cock (Sept 1998 - Aug 2002)	N/a
			9. Ms J Angeletta [September 1998] (Sept 1998 - Aug 2002)	N/a
			10. Cllr Marie-Louise Nolan [May 2002] (Sept 1998 - Aug 2002)	N/a
			11. Mrs Smita Dighé [May 2002] (Sept 1998 - Aug 2002)	N/a
			12. Vacancy [February 2000] (Sept 1998 - August 2002)	N/a
18.	Harrow Community Trust	1 (+ Deputy)	Appointee: 1. Bluston	Deputy: 1.C Mote
19.	Harrow Council for Racial Equality	3	1. R Shah 2. Ismail 3. John Nickolay	N/a
20.	Harrow Heritage Trust Executive Committee	4	1. Whitehead 2. J Mote 3. O'Dell 4. Versallion	N/a
21.	Harrow in Business (Enterprise Agency) - Board of Management	2	1. Bluston 2. Director of Environmental services	N/a
22.	Harrow in Europe Committee	5	1. Blann 2. Groves 3. Kinsey 4. Knowles 5.Lammiman	N/a
23.	Harrow Nature Conservation Forum	1	1. Blann	N/a

	<u>NAME OF BODY</u>	<u>NO OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
24.	Harrow on the Hill Forum	6	<u>Ward Members:</u> 1. Billson 2. Mrs Kinnear 3. Versallion <u>Group members:</u> 1. Branch 2. Anjana Patel 3. Ray	N/a
25.	Harrow Police and Community Consultative Group	4	1. Mrs Cowan 2. Thammaiah 3. Green 4. C Mote	N/a
26.	Harrow Primary Care Trust Management Board	1	<u>Observer:</u> 1. Groves	N/a
27.	Harrow Sports Council	3	1. Bluston 2. C Mote* 3. Miles (* to serve on Executive Committee)	N/a
28.	Harrow Town Centre Forum	3	1. Bluston 2. Burchell 3. R Shah	N/a
29.	Harrow Unified Mental Health Service Partnership Board	3 (+ Reserves)	<u>Appointees:</u> 1. Davine 2. Groves 3. Silver	<u>Reserves:</u> 1.R Shah 2.Gate 3.Lammiman
30.	Harrow Weald Common Board of Conservators	5	1. Mrs Ashton 2. Miss Lyne 3. Thornton 4. Toms 5. Whitehead	N/a
31.	Harrow Young Musicians - Managing Body	2	1. Toms 2. Lammiman	N/a
32.	Hertfordshire Rural Forum	1	1. Blann	N/a
33.	Investigation of Air Pollution Standing Conference	2	1. Omar 2. Chief Environmental Health Officer	N/a
34.	John Pardoe Charity	4	1. Mrs Bath 2. Miss Bednell 3. Mr M Carmody 4. Dharmarajah	N/a
35.	League of Friends of Northwick Park Hospital	1 (+ 1 deputy)	<u>Appointee:</u> 1. Mary John	<u>Deputy:</u> 1.Mrs A Diamond
36.	Lee Valley Regional Park Authority [Note: At the expiry of the statutory 4 year term, the Council may (upon invitation from the ALG) nominate a Member to stand for election to one of eight places available to non-riparian London Authorities]	1	1. Whitehead (1 July 2001 – 30 June 2005)	N/a

	<u>NAME OF BODY</u>	<u>NO OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
37.	Local Authorities Aircraft Noise Council	2	1. Omar 2. Chief Environmental Health Officer	N/a
38.	Local Government Association - General Assembly Meetings (Two - inclusive of AGM)	3 (+ Deputies)	<u>Appointees:</u> 1. Foulds 2. John Cowan 3. Thornton (Representing each of the political groups)	<u>Deputies:</u> 1.N Shah 2.C Mote 3.Lyne
39.	Local Government Association - Urban Commission	2	1. Burchell 2. Director of Environmental Services	N/a
40.	Local Government Information Unit	1	1. Lent	N/a
41.	London Accident Prevention Council	3	1. Ismail 2. Joyce Nickolay 3. Senior Road Safety Officer	N/a
42.	London Arts Board Local Authority Forum	2 (+ non-voting officer)	1. Groves 2. Stephenson Manager, Arts and Leisure Services	N/a
43.	London Borough of Harrow (a) Bus & Highways Liaison Meeting		1. Blann 2. Idaikkadar 3. John Nickolay 4. Pinkus	N/a
	(b) Rail Liaison Meeting	4	1. Blann 2. Idaikkadar 3. John Nickolay 4. Pinkus	N/a
44.	London Home and Water Safety Council	2	1. Romain 2. Chief Environmental Health Officer	N/a
45.	London (North West) Valuation Tribunal [Note: Appointments are now made jointly with the London (North West) Valuation Tribunal]	7	1. Cllr. J Branch (April 2001 - December 2006)	N/a
			2. Mr M Carmody (April 1998 - March 2004)	N/a
			3. Mr R Conway (April 1998 - March 2004)	N/a
			4. Mr S Giles-Medhurst (April 1998 - March 2004)	N/a
			5. Cllr. Miss Lyne (April 1998 - March 2004)	N/a

	<u>NAME OF BODY</u>	<u>NO OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
			6. Mr A L Mediratta (April 1998 - March 2004)	N/a
			7. Mr E Sailor (April 1998 - March 2004)	N/a
46.	London Youth Games	2 (+ Deputies)	<u>Appointees:</u> 1. Miles 2. Mr W North	<u>Deputies:</u> 1. Asante 2. (Mr North's Nominee)
47.	Mayor of Harrow's Charity Fund Trustees	3	1. The Mayor 2. Miss Bednell 3. Choudhury	N/a
		4	<u>Burgesses:</u> 1. 2. 3. 4.	N/a
48.	Metropolitan Housing Trust Ltd	1	1. Gate	N/a
49.	Middlesex Guildhall Collection and Trust Fund	6	1. D Ashton 2. Bath* 3. Dharmarajah* 4. Gate 5. Harrison* 6. Manager (Arts and Leisure Services) (* to serve on Executive Committee)	N/a
50.	Multi-Agency Forum on Racial Harassment	3 (+ 3 reserves)	1. Branch 2. Lammiman 3. Omar	1. Lyne 2. Janet Cowan 3. Lavingia
51.	Museum of London Archaeology Service	2	1. Whitehead 2. Library Services Manager	N/a
52.	National Council for One Parent Families	1	1. Ingram	N/a
53.	National Local Government Forum Against Poverty:			
	(i) National Meetings	1	1. Groves	N/a
	(ii) Regional Meetings	1	1. O'Dell	N/a
54.	National Society for Clean Air & Environmental Protection	1	1. Chief Environmental Health Officer	N/a
55.	Network Housing Association Management Committee	1	1. Harrison	N/a
56.	North London Collegiate School Board of Governors	1	1. Janet Cowan (May 2001 - May 2004 - subject to invitation of the Board of Governors)	N/a

57.	North West London Refugee Employment and Training Partnership Joint Advisory Board	3 (+ 2 Deputies each)	<u>Representatives:</u> 1. Mrs Bath 2. Harrison 3. Asante	<u>1st Deputies:</u> 1. Knowles 2. Toms 3. Groves <u>2nd Deputies:</u> 1. Williams 2. Dharmarajah 3. Thammaiah
58.	North West London Strategic Health Authority – Continuing Care Criteria Review Panel	1	1. Groves	N/a
59.	Pinner Parish Charities [Note: Confirmation is being sought as to whether organisation is seeking nominees]	2	[See note] 1. 2.	N/a
60.	Prince Edwards Playing Fields Trust	1	1. Burchell	N/a
61.	Promotion of Public Transport Users' Group	4 (+ Reserves)	<u>Members:</u> 1. Blann 2. Idaikkadar 3. Kara 4. Mrs Kinnear	<u>Reserves:</u> 1. Harrison 2. Whitehead 3. Joyce Nikolay 4. John Nickolay
62.	RAF Northolt Community Consultative Group	7 (+Deputies)	<u>Representatives:</u> 1. Currie 2. Gate 3. Miles 4. Branch 5. Arnold 6. Patel 7. Mrs Kinnear	<u>Deputies:</u> 1. Idaikkadar 2. Ray 3. Ingram 4. Thornton 5. Harris 6. Billson 7. Versallion
63.	Rayners Lane Estate Steering Group	2 (+ Deputies)	<u>Members:</u> 1. Currie 2. Ingram	<u>Deputies:</u> 1. Dharmarajah 2. Gate
64.	Relate Board of Trustees	3	1. R Shah 2. Groves 3. Lammiman	N/a
65.	Reserve Forces and Cadets Association for Greater London	1	1. Thornton [May 2002] (Apr 2002 - March 2005)	N/a
66.	Richard Franklin Charity	2	1. John Cowan (May 2002 – April 2005) 2. Gate (May 2002 – April 2005)	N/a
67.	Sir Lancelot Lake Charity	2	1. John Cowan (June 2002 - May 2005) 2. Burchell	N/a
68.	Sir John Wolstenholme Charity	2	1. Mrs Bath 2. Miss Bednell	N/a
69.	St Dominic's College	1	1. Gate	N/a

	<u>NAME OF BODY</u>	<u>NO OF REPS</u>	<u>REPRESENTATIVES for 2003/04</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
70.	Stanmore College	1	1. Davine [October 1999] (October 1999 - 31 August 2003)	N/a
71.	Staying Put Scheme Advisory Committee	1	1. R Shah	N/a
72.	Trading Standards Service	3 (+ 1 Deputy for each)	<u>Appointees:</u> 1. Gate 2. Romain 3. Mrs Kinnear	<u>Deputies:</u> 1. Ismail 2. Arnold 3. Harriss
73.	University of Westminster - Court of Governors [Note: Co-opted by the Court of Governors at its discretion. Currently it has not been confirmed that an appointment will be sought.]	1 (Co-optee)	[See note] 1. Thammaiah	N/a
74.	Victoria Hall, Harrow	1	1. Bluston	N/a
75.	Wealdstone Task Force	4 (+ Reserves)	<u>Appointees:</u> 1. Burchell 2. Lavingia 3. Kinnear 4. Miss Lyne	<u>Reserves:</u> 1. Harrison 2. Kinsey 3. Harriss 4. Thornton
76.	West House and Heath Robinson Museum Trust	1	1. Burchell	N/a
77.	West London Alliance	2	<u>Appointee:</u> 1. Foulds 2. Chief Executive	<u>Deputy:</u> 1. N Shah
78.	West London Waste Authority	1	1. Blann	N/a
79.	West London Waste Areas Landfill Tax Credit Panel	1	1. Blann	N/a

COUNCIL
23 OCTOBER 2003

**HARROW SCHEME FOR MEMBERS'
ALLOWANCES 2003/04 REVISED**

REPORT OF THE CHIEF EXECUTIVE

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LONDON BOROUGH OF HARROW

Agenda item:

Page no:

Meeting:	Council
Date:	23 October 2003
Subject:	Harrow Scheme for Members' Allowances
Key decision:	No
Responsible Chief Officer:	Chief Executive
Relevant Portfolio Holder:	Leader of the Council
Status:	Part 1
Ward:	All
Enclosures:	The Remuneration of Councillors in London: 2003 Review Proposed revised Members' Allowances Scheme for 2003/04

1. Summary/ Reason for urgency (if applicable)

- 1.1 New Regulations concerning members' allowances issued by the Office of the Deputy Prime Minister (ODPM) came into force on 1st May 2003. Following publication of those Regulations, the Association of London Government (ALG) independent remuneration panel issued a report in July 2003 making recommendations in relation to members' allowances for consideration by London Councils.

2. Recommendations for decision by Council

2.1 That Council:

- 2.1.1 agree to uprate the basic and special responsibility allowances annually in line with the Local Government Pay Settlement (LGPS)**
- 2.1.2 agree a new framework for out of borough travel and subsistence allowances, namely that Member claims be brought into line with the officer scheme**
- 2.1.3 agree that disputes about payment of dependants' carers' allowance be referred to the Standards Committee for adjudication**
- 2.1.4 agree that the Harrow scheme include provision for in-year amendments to the scheme to be backdated**
- 2.1.5 agree that the Harrow scheme does not include provision for members' allowances to be pensionable**
- 2.1.6 agree that the Harrow scheme include provision for withholding allowances from suspended members of the council**
- 2.1.7 agree to amend the Harrow scheme to clarify the upper age limit for payment of dependants' carers allowances**
- 2.1.8 agree to pay travel and subsistence allowance to co-optees**
- 2.1.9 consider whether to pay co-optees and independent members of the Standards Committee a basic allowance of £400 per year**
- 2.1.10 agree that the ALG panel recommendation in respect of quasi-judicial allowances be considered in the forthcoming budget preparation**
- 2.1.11 consider whether they wish to develop job descriptions for Councillors**

REASON: The Council is legally required to adopt a new scheme for members' allowances on or before 31st December 2003

3. Consultation with Ward Councillors

- 3.1 Not applicable

4. Policy Context (including Relevant Previous Decisions)

- 4.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 came into force recently and provide for authorities:
 - To pay a basic allowance to all members
 - To pay a special responsibility allowance (SRA) to those members who have special responsibilities
 - To pay dependants' carers' and travelling and subsistence allowances
 - To pay a co-optees' allowance to co-opted members
- 4.2 The Regulations also require authorities to approve schemes before the beginning of the year to which they relate. They allow for annual increases to allowances by reference to an index and include provision for withholding allowances to members in certain circumstances.

- 4.3 The Regulations also, for the first time, provide member eligibility to the Local Government Pension Scheme.
- 4.4 The Regulations require records of allowances claimed to be kept and made available for public inspection, and for reporting via publication the amount of money paid by the authority in respect of each type of allowance.
- 4.5 The regulations require authorities to publish details of their schemes annually.
- 4.6 Because the Regulations make some substantial changes to the previous provisions, the ODPM requires authorities to make a new allowances scheme in accordance with the new Regulations on or before 31st December 2003.

5. **Relevance to Corporate Priorities**

- 5.1 No direct relevance.

6. **Background Information and options considered**

- 6.1 Councils must have regard to the recommendations of an independent remuneration panel prior to making any Members' Allowances Scheme. In London, the ALG has appointed an independent panel which makes recommendations to London Boroughs. The ALG panel met initially in 2001 to make recommendations for consideration by Boroughs. The ALG panel has met to consider the implications of the new Regulations and has made recommendations for London Boroughs to consider. Their report is attached to this report as Annex 1.
- 6.2 The law requires the panel to make recommendations on the following areas:
 - 6.2.1 The duties for which SRAs, travelling and subsistence allowances and co-optees' allowance should be payable;
 - 6.2.2 The amount of any allowances in 6.2.1 above and the amount of the basic allowance;
 - 6.2.3 Whether dependants' carers' allowance should be payable to members and if so, how much;
 - 6.2.4 Whether or not changes to a scheme should be backdated;
 - 6.2.5 Whether adjustments to the level of allowances should be determined according to an index, and if so, which index and for how long the index should apply (subject to a maximum of 4 years);
 - 6.2.6 Which members of an authority should be entitled to pensions;
 - 6.2.7 Whether the basic, special responsibility or both allowances should be pensionable.

Recommendations of the Independent Remuneration Panel

- 6.3 The panel reported on 10th July 2003. Its recommendations in respect of the matters listed in 6.2.1-6.2.7 above are as follows:
 - 6.3.1 **The duties for which SRAs, travelling and subsistence allowances and co-optees' allowance should be payable;**

The panel recommends that:

- SRAs should continue to be payable in respect of the responsibilities recommended in the first report of the Panel – ‘Making Allowances’.
- the basic allowance should incorporate all intra-Borough travel costs and subsistence, but with the option to vary this rule if local circumstances require it;
- the annual allowance for co-optees should be calculated in each case with reference to the number of meetings per year, at a standard rate per meeting.

The panel reiterated their view that the proportion of members entitled to SRAs should be limited to 50%.

6.3.2 The recommended amount for allowances

The panel recommends that:

- SRAs should continue to be paid at the level recommended in their previous report – ‘Making Allowances’, uprated in line with the increase in the Local Government Pay Settlement. Where such index-linked increases are approved, they would not constitute an amendment to the scheme for allowances when they take effect.
- where travel and subsistence allowances are payable, and having regard to the recommendation in 6.3.1 above, it should be in line with the officer scheme for travel and subsistence;
- co-optees should be reimbursed for all travel costs in accordance with the recommendation above, whether the travel is within or out of the borough, but co-optees should not be paid subsistence;
- travel allowances should extend to travel by bicycle;
- the standard rate of allowance for co-optees should be £100 per meeting, translated into an annual allowance by multiplying £100 by the anticipated number of meetings;
- the amount of the basic allowance should remain as recommended in the Panel’s first report at £8,500, but uprated for increases in the cost of living by reference to the Local Government Pay Settlement.

6.3.3 Whether dependants’ carers’ allowance should be payable to members and if so, how much;

The panel recommends that:

- Dependants’ carers’ allowance should be payable, and when setting the level of such an allowance, councils should have regard to their social services departments’ level of reimbursement.
- The following principles, set out in the previous ALG report were restated:
 - a) a maximum rate should be set locally to reflect local costs in accordance with social service department levels;
 - b) payment should be claimable in respect of children aged 15 or under, or for other dependants where there is medical or social work evidence that care is required;
 - c) only one weekly payment should be claimable in respect of the household of a member, except if there are special circumstances, in which case the Standards Committee should decide what they are;
 - d) the allowance should be paid as a reimbursement of incurred expenditure against receipts;
 - e) the allowance should not be payable to a member of the claimant’s own household;

- f) any dispute as to entitlement and any allegation of abuse should be referred to the Standards Committee for adjudication; and
- g) the scheme should be reviewed after not more than 12 months of operation.

6.3.4 Whether or not changes to a scheme should be backdated

The panel recommends that:

- Schemes should make the appropriate provision to ensure that, where an amendment to the scheme results in an increase in any allowance, payment of it may, if the resolution which introduces the amendment includes that recommendation, be backdated for a specific period no earlier than the beginning of the year to which the scheme applies.

6.3.5 Whether adjustments to the level of allowances should be determined according to an index, and if so, which index and for how long the index should apply (subject to a maximum of 4 years)

The panel recommends that:

- Schemes should provide for all allowances to be automatically updated annually with reference to the Local Government Pay Settlement, and the LGPS index should apply for the next four years unless the ALG panel reviews it earlier.

6.3.6 Which members of an authority should be entitled to pensions

The panel recommends that:

- All members under the age of 70 should in principle be able to apply for inclusion in a pension scheme, without needing to satisfy a qualification period.

6.3.7 Whether the basic, special responsibility or both allowances should be pensionable

- The panel recommends that both the basic allowance and any SRAs should be pensionable.

The panel took the view that it was divisive to separate, for example, cabinet members from others for entitlement to pensions.

The panel also made a number of other recommendations.

6.3.8 Quasi-judicial work

The panel re-confirmed the recommendation of their earlier report, that Councils should consider setting up a panel of non-executive members to sit on bodies such as adoption and licensing panels, and pay an SRA to all members of the panel.

6.3.9 Accountability

The panel considers accountability for this use of public money as being of the highest importance. They welcome the requirements for record keeping and inspection of the records of all allowances claimed, and for an annual report of the total allowances paid at the end of the year. However they recommend that members go further to enhance accountability. The panel points out that they have previously recommended the

drafting of Councillor job descriptions, and they state that they expect these to be used as the basis of reporting by members on their activities on behalf of their electors and the borough. Councillors are advised to see such reports as a way of broadcasting the extensive range of tasks and duties they undertake on behalf of the electorate. The panel says they want Councillors to give an account of what services they provide to their constituents; what their objectives have been; their success in achieving them and some record of their general industry.

6.3.10 Withholding allowances

The panel recommends that allowances schemes provide for the Standards Committee to withdraw allowances in whole or in part in the event of a member being suspended or partially suspended. All allowances should be withheld for the period of total suspension, and if the member is partially suspended, although the basic allowances should continue, the panel expects the member to voluntarily reduce the amount of the basic allowance claimed in order to reflect any limitation on their ability to perform all their functions. Any SRA for a partially suspended member should be withdrawn.

6.3.11 Electing to forgo allowances

The panel recommends, in accordance with Regulations, that schemes should provide for any member to give notice in writing to elect to forgo their allowances or any part of them.

6.3.12 Time limit for claims and payments

The panel recommends that schemes include a limit of 6 months for making claims for payment of dependants' carers' allowances, travelling and subsistence allowances and co-optees' allowances.

7. Proposed scheme for Harrow allowances

7.1 The current Harrow scheme for members' allowances follows many of the recommendations of the ALG panel. The recommendations which are made by the ALG but are not yet incorporated in the Harrow scheme are as follows.

7.1.1 Basic allowances for co-optees

In light of the recommendation of the ALG panel at 6.3.1 above, the Council should consider paying a basic allowance to co-optees. If agreed in principle it is suggested that a figure of £100 per meeting, for 4 scheduled meetings per year could be used.

7.1.2 Uprating the allowances

The ALG panel suggests that authorities agree an annual uprating of allowances in line with the increase in the Local Government Pay Settlement. This has been the formula used by Harrow in the past, and it is suggested that this is formalised in the scheme. The uprating index can be used for a maximum of four years and must then be reconsidered.

7.1.3 Travel and subsistence

Previously the Office of the Deputy Prime Minister issued the rules for travel and subsistence, however the Regulations change this and now boroughs must include provisions for this in their schemes. The ALG panel suggests that in-borough travel and subsistence forms part of the basic allowance. This is already the case in Harrow. The panel recommends that out-of-borough travel and subsistence payments are based on the council's officer scheme for travel and subsistence. It is recommended that this provision is adopted as part of the Harrow scheme.

The officer scheme for travel and subsistence is set out in the Employee Handbook and Policy 2.06 "Travelling and Subsistence Allowances". The main changes to member out-of-borough travel and subsistence allowances as a result of bringing them into line with the Council's officer scheme are as follows:-

- Members will need to ensure that a minimum of expense is incurred. For travelling expenses, second class rail travel should be used. Travel by car should only be used where this is cheaper than public transport.
- Members will be required to provide receipts for incurred expenditure.
- The car mileage rates, and the maximum amounts which can be reimbursed for subsistence expenses, will be increased slightly to be brought into line with the rates set out in the officer scheme.

The ALG panel also recommends that travel allowances be extended to travel by bicycle. However, as there is currently no provision within the Harrow officer scheme for travel and subsistence for a bicycle allowance which is payable *per journey*, it is not proposed to make provision for this in the Harrow members' allowances scheme.

It is proposed that the members' allowances scheme be amended in order that co-optees may claim reimbursement for out-of-borough travel and subsistence expenses.

7.1.4 Dependants' carers' allowance

In the main, the Council already fulfils the recommendations of the ALG panel. However it is suggested that the Harrow scheme clarifies the upper age limit for children for whom allowances can be claimed. It is also recommended that the Harrow scheme include a provision for dispute over entitlement or allegations of abuse in respect of those allowances to be referred to the Standards Committee.

7.1.5 Backdating

Previous legislation did not allow in-year amendments to the allowances scheme to be backdated to the start of the financial year in question. The new Regulations allow for this provided that the Council resolution adopting the new scheme proposes the backdating and the scheme as agreed allows for it. It may not always be necessary to backdate an allowance, but it would be prudent to include this provision in the Harrow scheme in case the Council wishes to use it.

7.1.6 Pensions

The new Regulations allow Councils to make members' allowances pensionable. Initially it was envisaged that this provision might be limited to councillors with extra responsibility (e.g. Cabinet, Chair of Overview and Scrutiny) but this decision is left to Councils following recommendations from their independent panels. The recommendation from the ALG Panel is that if Councils decide to make allowances pensionable, that this should apply to all members equally. The ALG recognise that because adoption of this recommendation would result in extra costs to authorities, the final decision about whether to allow pensions for members must be one for each individual authority.

It is not perceived that there is particular member pressure for such a move in Harrow, and in light of the additional costs that would be incurred by the authority it is not proposed that pensions for members are adopted in Harrow at this time.

7.1.7 Time Limits for Claims and Payments

The panel recommends that schemes include a limit of 6 months for making claims and payments of dependants' carers' allowance, travelling and subsistence allowances and co-optees' allowance. The Harrow scheme already includes a time limit of 2 months, and it is not proposed that this be changed.

7.1.8 Withholding allowances

The ALG panel recommends that Councils include provision for withholding allowances in full or in part under certain circumstances. This provision is included in the new Regulations following the establishment of the new ethical framework and the possibility that the Standards Board for England or the local Standards Committee may suspend members following investigation and sanction. If the Harrow scheme does not include a provision to this effect it cannot withhold allowances from members who are suspended. It is proposed that the recommendations from the ALG panel on this point are included within the Harrow scheme.

7.1.9 Quasi-judicial work

Implementation of this proposal (outlined in 6.3.8 above) would have budget implications not allowed for in the current allowance framework. It is therefore proposed that it be considered during the forthcoming budget discussions and any recommendation for change made in the Members' Allowances Scheme for 2004/2005.

7.1.10 Accountability

The panel recommends at a minimum, that job descriptions are prepared for members (see paragraph 6.3.9 above), and that members should make certain reports to the electorate. Job descriptions for councillors have been trialled in some authorities and it seems likely that more will now adopt this recommendation. Members are asked to consider whether or not they wish to adopt this provision.

8. **Consultation**

8.1 There is no specific requirement for consultation in respect of the Regulations.

9. **Finance Observations**

9.1

10. **Legal Observations**

10.1 Are included in the body of the report

11. **Conclusion**

11.1 The Council is required to give consideration to the recommendations of the independent remuneration panel in revising its Members' Allowances Scheme before 31st December 2003. It is suggested in this report that the 'no cost' recommendations are included in the revised scheme. In terms of those options which have cost implications, it is suggested that these are discussed further by the authority during the budget preparation and a further report agreed prior to 31st March 2004 with any further amendments arising from those discussions. It is also suggested that the recommendation to provide pension eligibility is rejected and reconsidered each year when the new scheme is made.

12. **Background Papers**

12.1 Guidance on consolidated regulations for local authority allowances – ODPM

12.2 Making Allowances – the first report of the Independent remuneration panel – 2001

12.3 The Remuneration of Councillors in London: 2003 Review

All available from the report author.

13. **Author**

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PART 6

Members' Allowances Scheme

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LONDON BOROUGH OF HARROW

DRAFT MEMBERS' ALLOWANCES SCHEME

1. This scheme shall have effect until 31st March 2004. It replaces all former schemes.

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Basic Allowance

2. A basic allowance of £5,225 per annum shall be paid to each Councillor.

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Special Responsibility Allowance

3. (1) A special responsibility allowance (SRA) shall be paid to those Councillors who have the special responsibilities in relation to the posts specified in Schedule 1 to this scheme. No Member may receive special responsibility allowances in respect of more than one post.
- (2) The amount of each such allowance shall be the amount specified against the special responsibility in that schedule.

Upating the basic and special responsibility allowances

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4. The basic allowance and special responsibility allowances will be updated annually in line with an index approved by the ALG independent panel. The index to be used will be the level of the Local Government Pay Settlement. When making the scheme for 2007/2008, the indexing arrangements will be reviewed.

Travel and Subsistence Allowances

5. The reimbursement of travel and subsistence expenses incurred in respect of approved duties (as set out in Schedule 2) undertaken outside the Borough boundaries can be claimed by Members and co-optees at the rates paid and on the conditions specified in the officer scheme for travel and subsistence allowances.

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Deleted: up to the maximum rates set, and subject to such conditions determined, by the Office of the Deputy Prime Minister (ODPM) from time to time.

Carers' Allowance

6. (1) The allowance shall only be paid for attendance at approved duties as listed in Appendix B.

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- (2) The maximum basic rate of pay is £2.61 per half hour for the duration of the meeting together with the Member's travel time between home and the place of the meeting and the carer's reasonable travelling time.

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- (3) The allowance is claimable in respect of children aged 15 or under or where a professional carer is required to meet a specialist need (e.g. a nurse for an elderly person)

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- (4) Actual costs will be paid on production of an invoice or receipt

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~~(5) Where the length of the meeting cannot be predicted and payment to the carer is necessarily contractually committed then a payment of up to 4 hours will be made. (For daytime quasi-judicial meetings, payment of up to 8 hours may be made if the estimated length of the meeting is for the whole day).~~

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~~(6) In addition, the reasonable travelling expenses of the person taking care of the dependent shall be reimbursed either at the appropriate public transport rate, or in cases of urgency or where no public transport is available, the amount of any taxi fare actually paid.~~

~~(7) The allowance is not to be paid where the carer is a member of the Member's household.~~

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~~(8) Any dispute as to the entitlement and any allegation of abuse should be referred to the Standards Committee for adjudication.~~

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Claims and Payments

~~7. (1) A claim for allowances or expenses under this scheme shall be made in writing within two months of the date of undertaking the duty in respect of which the entitlement to the allowance or expense relates.~~

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(2) Payment shall be made

(a) in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme each month;

(b) in respect of out-borough travel and subsistence expenses and Carers' Allowance, each month in respect of claims received up to one month before that date.

Backdating

~~8. Any changes made to this scheme during the year may be backdated to 1st April 2003 by resolution of the Council when approving the amendment.~~

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Pensions

~~9. Allowances paid under the Harrow Members' Allowances Scheme will **not** be pensionable for the purposes of the Superannuation Act~~

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Renunciation

~~10. A Councillor may by notice in writing given to the Borough Solicitor elect to forego any part of his/her entitlement to an allowance under this scheme.~~

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Withholding allowances

11. (1) In the event that a member is suspended from duties, that Member's basic allowance and special responsibility allowance (if any) will be withheld for the whole period of the Member's suspension.

- (2) In the event that a member is partially suspended from duties, that Member's basic allowance will be paid but their SRA, if any, will be withdrawn for the period of the partial suspension.

Approved duties for Carers' Allowance

- A meeting of the Executive.
- A meeting of a committee of the executive.
- A meeting of the Authority.
- A meeting of a committee or sub-committee of the Authority.
- A meeting of some other body to which the Authority make appointments or nominations, or
- A meeting of a committee or sub-committee of a body to which the Authority make appointments or nominations.
- A meeting which has both been authorised by the Authority, a committee, or sub-committee of the Authority or a joint committee of the Authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the Authority is divided into several political groups) or to which two or more councillors have been invited (if the Authority is not divided into political groups).
- A meeting of a Local Authority association of which the Authority is a member.
- Duties undertaken on behalf of the Authority in pursuance of any Procedural Rule of the Constitution requiring a member or members to be present while tender documents are opened.
- Duties undertaken on behalf of the Authority in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- Duties undertaken on behalf of the Authority in connection with arrangements made by the Authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

SPECIAL RESPONSIBILITY ALLOWANCES

There are five bands of SRAs:-

Band	Post	SRA - £/annum
1	Deputy Leaders of the Second and Third Minority Groups Chief Whips of all Political Parties One Assistant to each Cabinet Member Chair of the General Purposes and Licensing Committee Chair of the Standards Committee	992.75
2	Members of Cabinet who are not Portfolio Holders	2,978.25
3	Chair of the Overview and Scrutiny Committee Overview and Scrutiny Committee Nominated Member of the largest party not holding the Chair of the Committee Chairs of the Scrutiny Sub-Committees (excluding Call-in): Environment and Economy Scrutiny Sub-Committee Health and Social Care Scrutiny Sub-Committee Lifelong Learning Scrutiny Sub-Committee Strengthening Communities Scrutiny Sub-Committee Chair of the Traffic Advisory Panel Development Control Committee Nominated Member of the largest party not holding the Chair of the Committee Leader of the Second Minority Group Leader of the Third Minority Group	6,426.75
4	Chair of the Development Control Committee Cabinet Portfolio Holders (excluding the Leader and Deputy Leader): Planning, Development, Housing and Best Value Education and Lifelong Learning Environment and Transport Social Services Finance and Human Resources and Performance Management Deputy Leader	12,853.50
5	Leader	19,280.25

- N.B. (1) In the Council elected on 2 May 2002, the Groups are as follows:-
Largest Minority Group = Labour Group
Second Minority Group = Conservative Group
Third Minority Group = Liberal Democrat Group
(2) Only one SRA is payable per Member

SCHEDULE 2

CLAIMS FOR OUT-OF-BOROUGH TRAVEL AND SUBSISTENCE EXPENSES

Duties Undertaken Out-of-Borough

Claims for travel and subsistence expenses incurred can normally only be paid in respect of approved duties undertaken at venues out of the Borough. Expenses will be reimbursed at the rates paid and on the conditions specified in the officer scheme for travel and subsistence allowances.

1. Members may claim travel and subsistence expenses in respect of the following **out-of-Borough** duties:-
 - (a) Attendance at any meeting which may be convened by the Authority provided that Members of at least two groups are invited and officers do not convene the meeting.
 - (b) Attendance at a meeting of an outside body to which the Member has been appointed or nominated as a representative of the Council, where the Outside Body does not itself operate a scheme to reimburse travel and subsistence expenses.
 - (c)
 - (i) attendance at an appropriate out-of-Borough conference, seminar, meeting or other appropriate non-political event as a representative of an Outside Body to which that Member has been either nominated or appointed by Council to serve in a role with a specific pan-Authority remit;
 - (ii) attendance at meetings in the capacity of a direct appointee of a Local Authority Association, joint or statutory body or other London-wide or national body subject to the following proviso:

that the Member serves on the appointing body by virtue of an appointment made by Council to an authorised Outside Body;

subject in either case to the Outside Body/Bodies concerned themselves not making provision for any travel and subsistence expenses necessarily incurred.
 - (d) Attendance at a meeting of any association of local authorities of which the Authority is a member and to which the Member has been appointed as a representative.
 - (e) Attendance at a training session, conference, seminar or other non-political event, the attendance fees for which are being funded by the Council through a Departmental or a corporate budget.

- (f) Attendance at any training session, conference, seminar or other non-political event for which there is either no attendance fee or any attendance fee is being met by the Member him/herself (or from the relevant political group secretariat budget) subject to the relevant Head of Service confirming that the content of the training, conference, seminar or event is relevant to the Member's responsibilities in respect of the services provided by the Authority or to the management of the Authority.
2. Duties for which out-of-Borough travel and subsistence expenses may not be claimed include:-
- (a) Political meetings or events.
 - (b) Any meetings of 'Outside Bodies' to which the Member has not been appointed or nominated by the Council as its representative.
 - (c) Meetings of the Governing Bodies of Schools.

COUNCIL

23 OCTOBER 2003

BEST VALUE PERFORMANCE PLAN 2003/04

- | | | | |
|-----|---|---------|--|
| (1) | CABINET
17 JUNE 2003
- | REC. I: | Best Value Performance Plan
2003/04 |
| (2) | OVERVIEW AND SCRUTINY
COMMITTEE
23 SEPTEMBER 2003 | REC. I: | Best Value Performance Plan
2003/04 |

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REPORT OF CABINET

MEETING HELD ON 17 JUNE 2003

Chair: * Councillor Foulds

Councillors: * D Ashton * C Mote
 * Burchell * O'Dell
 * Margaret Davine * N Shah
 * Dighé Stephenson
 † Miss Lyne

* Denotes Member present
 † Denotes apologies received

PART I - RECOMMENDATIONS TO COUNCIL
RECOMMENDATION I – Key Decision - Best Value Performance Plan (BVPP) 2003/04
 (See Minute 279)

Cabinet considered a report by the Chief Executive concerning the Best Value Performance Plan 2003/04 which sought approval for the publication of the draft Plan. In making their recommendation to Council, Cabinet also considered the contents of the draft Plan, including pages that had subsequently been updated. In agreeing to the publication of the Plan, subject to various amendments, Cabinet noted that the Plan would be published by 30 June 2003 as required by the Local Government Act 1999 and that it would be examined by Overview and Scrutiny Committee and formally adopted by Council in the Autumn. Cabinet also noted that the Plan formed part of the Council's statutory policy framework and set out the Council's proposals for improvement measures and, as such, touched upon all the Corporate Priorities of Harrow.

Cabinet further noted that the Plan for 2003/04 differed from previous BVPP in terms of both text and data in that it now encompassed the revised statutory and non-statutory guidance about Best Value issued by the Office of the Deputy Prime Minister (ODPM) in March 2003.

Cabinet was informed that the Plan before them was a working draft, in that some of the text was being updated and that numerical data was being checked to ensure that the performance indicators are not qualified.

Cabinet agreed the Draft Best Value Performance Plan 2003/04, subject to a number of amendments, and noted that full and final version of the Plan would be submitted to Council on 23 October 2003 for adoption.

Resolved to RECOMMEND:

That the London Borough of Harrow Best Value Performance Plan 2003/04 be adopted.

Reason for Recommendation: To achieve adoption in accordance with statutory requirements.

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REPORT OF OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD ON 23 SEPTEMBER 2003

Chair: * Councillor Jean Lammiman

Councillors: * Nana Asante (4) * Omar (3)
 * Mitzi Green * Pinkus
 * Ingram * Seymour
 * Lavingia (5) * Thammaiah
 * Myra Michael (1) * Versallion

* Denotes Member present
 (1), (3), (4) and (5) Denote category of Reserve Member

PART I – RECOMMENDATIONS TO COUNCIL
RECOMMENDATION I – Best Value Performance Plan 2003/2004

Your Committee was reminded that the Best Value Performance Plan (BVPP) formed part of the Council's statutory policy framework and, as such, was required under the Budget and Policy Framework Rules of the Constitution to be referred to the Committee for consideration prior to adoption by Council.

The Committee received a reference from the Cabinet meeting on 17 June 2003 which referred the Best Value Performance Plan 2003/2004 to the Committee for examination. The Committee also received a report of the Executive Director (Organisational Development) to which the Best Value Performance Plan 2003/2004 was appended.

The report set out the context and structure of the BVPP 2003/04, and sought the Committee's views on options for the structure of the BVPP 2004/05. It also highlighted changes to the published performance data in the light of internal and external audits. Additionally, a 'traffic light' system had been devised in order to assess progress against Best Value Performance Indicators (BVPIs). This could be used to inform the scrutiny bodies' future work programmes by highlighting areas they might wish to explore further. It was appended to the report, and Members' views on it were also sought.

At the meeting, it was reported that issues were still emerging from the audit of the BVPP, and the external auditors had not therefore issued their opinion on it. An officer undertook to inform Members, however, of the outcome of this in due course. In addition, a tabled document was circulated which reviewed the approaches taken to the structure of the BVPP by London Boroughs rated 'excellent'. BVPPs from several authorities were also circulated.

The structure of a BVPP from a London Borough rated 'excellent', which was organised by themes with BVPIs integrated into relevant sections, was commended. With regard to Harrow's BVPP 2003/04, a Member was concerned that there were no discernible links between BVPIs showing a downward trend and the measures being taken to improve them, as set out in agreed Improvement Plans. Officers acknowledged this, and suggested that if the Plan was organised by themes, this would be easier and it would give an opportunity to address issues that may not be reflected by the statutory indicators.

The way in which Harrow's BVPP had been produced this year was queried. Officers advised that this year's Plan had been produced centrally with information gathered from Departments. They acknowledged the limitations of this approach, but advised that it had been a consequence of the timescale for producing the Plan - the revised requirements relating to the content of the BVPP had only been issued in March – and of the transition in the Council's organisational structure. However, the Council now had several months in which to improve the process in time for producing next year's Plan. Officers would be seeking in the longer term to integrate the BVPP and the Corporate Plan into one document which would then feed into Departmental Service Plans.

Members stressed the need for the production of the BVPP to be a corporate exercise. They also supported, in principle, taking a themed approach based on corporate priorities, but felt that a lot more detailed work needed to be done on the proposed structure for next year's BVPP and, in particular, on links to other plans.

In response to a query from a Member, it was advised that the indicators set out in the BVPP were statutory indicators set by the Office of the Deputy Prime Minister, together with the Council's LPSA targets and some local indicators relating to community safety. There were some other local indicators in place, but not all of these were well developed. Members urged officers to develop more local indicators in order to monitor the performance of issues important to the Council.

With regard to the traffic light monitor, this was welcomed. There was some concern, however, that it may cause Members to miss some issues arising. Whether the monitor was adding value as a management tool and was effectively identifying appropriate issues was queried.

In response, officers acknowledged that the monitor had limitations, because it gave a snapshot of performance across the range of national indicators, limited in scope, and not the full picture. However, it was stressed that the monitor was designed only to provide an overview of performance, and to highlight in broad terms the areas Members may wish to explore further. It was felt that, for those purposes, it was a useful management tool. At a Member's request, an officer undertook to ensure that the monitor was available electronically.

The way in which the target had been set for BVPI 49 for 2002/03 was also queried, as it was noted that this was far in excess of the 2001/02 outturn. An officer undertook to investigate this, but advised that he was aware of cases where the target was set on the basis of unaudited outturn data, and the 2001/02 outturn was subsequently changed following audit. Members stressed the need to ensure the quality of data used to inform target-setting.

In conclusion, Members felt that, overall, the traffic light monitor was good. A few minor amendments were requested, namely that there be a legend on each page, and that further explanation be provided as to the meaning of the horizontal arrows. It was also pointed out that some Members were colour-blind, and officers were therefore requested to consult on the format of the monitor. Officers confirmed that the monitor would be continually refined, and added that they would also be exploring the development of quarterly monitoring. In light of this, the Chair asked whether the monitor could be updated quarterly and submitted to each Overview and Scrutiny Committee meeting. Officers advised that it would be meaningless to report some PIs on a quarterly basis because the data on which they were based was not produced quarterly, such as those PIs based on exam results or triannual assessments. Officers undertook, however, to explore areas where it would be meaningful to report quarterly.

Resolved to RECOMMEND:

That the Best Value Performance Plan 2003/04 be approved.

(See also Minutes 96 and 100).

LONDON BOROUGH OF HARROW

OVERVIEW AND SCRUTINY SUB-COMMITTEE

23 SEPTEMBER 2003

REFERENCE FROM THE CABINET MEETING HELD ON 17 JUNE 2003

PART I

Key Decision - Best Value Performance Plan (BVPP) 2003/4:

Cabinet considered the report by the Chief Executive (attached at Appendix 1) together with the draft Plan including those pages that had subsequently been updated. Cabinet having made a recommendation to Council that the BVPP be adopted in accordance with statutory requirements suggested that the following amendments be incorporated:-

Foreword by the Leader of the Council – page 3, paragraph 3, last sentence to be amended

About Harrow – page 4, to include the level of unemployment and the education levels attained in the borough

Performance Management Framework – page 6, individual workers' priorities to be given prominence in the model, if practical

The New Harrow Project – page 8, distinguish the New Harrow Project from the South Harrow pilot (Delineation of paragraphs 2 and 3 was necessary).

Cabinet also commented that it would be useful to identify the personnel within the service areas and Members who were responsible for various aspects of the Plan but noted that this level of detail was normally provided in individual service plans.

Cabinet requested that any substantial changes to the Plan should be tracked and agreed with the Leaders and Deputy Leaders of the main political parties and the Portfolio Holders.

RESOLVED: (1) That the draft Best Value Performance Plan be approved for publication, subject to the inclusion of the updated pages and the amendments set out in the preamble above;

(2) that the Plan be referred to Overview and Scrutiny Committee for examination.

Reason for Decision: To achieve publication in accordance with statutory requirements.

Background Papers:

Minutes of the Cabinet meeting held on 17 June 2003.
Report of the Chief Executive considered by Cabinet on 17 June 2003.

Contact:
Daksha Ghelani, Committee Administrator, Law & Administration
Tel No: 020 8424 1881

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Meeting:	Cabinet
Date:	17 June 2003
Subject:	Best Value Performance Plan 2003/04
Key decision:	Yes
Responsible Chief Officer:	Chief Executive
Relevant Portfolio Holder:	Planning, Development, Housing & Best Value
Status:	Part I
Ward:	All
Enclosures:	Draft Best Value Performance Plan (circulated separately to Members of Cabinet and Group Offices. The Plan can be viewed on the Council's website – www.harrow.gov.uk)

1. **Summary**

- 1.1 The draft Plan for 2003/04 is submitted for approval.

2. **Recommendations**

- 2.1 **That the draft Best Value Performance Plan is approved for publication;**
- 2.2 **That the Plan is referred to Overview and Scrutiny Committee for examination and to full Council for formal adoption.**

REASON: To achieve publication and adoption in accordance with statutory requirements.

3. **Consultation with Ward Councillors**

- 3.1 Not applicable.

4. **Policy Context (including Relevant Previous Decisions)**

- 4.1 The report to Cabinet on 15 April (Minute 249) indicated the approval and publication process for the Plan.

5. **Relevance to Corporate Priorities**

- 5.1 The Plan sets out the Council's proposals for improvement measures and, as such, touches upon all the Corporate Priorities.

6. **Background Information**

- 6.1 The Best Value Performance Plan (BVPP) is required by Regulations under the Local Government Act 1999 to be published by 30 June annually. The Plan forms part of the Council's statutory policy framework.
- 6.2 In March 2003, the Office of the Deputy Prime Minister issued revised statutory and non-statutory guidance about Best Value, which included amendments to the required content of BVPPs, in terms of both text and data. The present draft addresses the changed requirements.
- 6.3 To address audit recommendations following examination of the previous Plan, additional procedures have been introduced to verify the performance information. As this report is written, these procedures are still in progress and any amendments required to figures will be reported orally.
- 6.4 The present draft is issued for approval of content and is not representative of the final appearance of the Plan, which will undergo a design and print process, as previous editions.

7. **Consultation**

- 7.1 Not applicable.

8. **Finance Observations**

- 8.1 Best estimates for the known costs associated with the BVPP and CPA Improvement Plan have been included in the 2003/04 budget and the Medium Term Budget Strategy (MTBS). The Cabinet and Council will have the opportunity to review the budgetary provision and MTBS during the 2004/05 budget process. The cost of producing the BVPP is contained within the current budget.

9. **Legal Observations**

- 9.1 None.

10. **Conclusion**

- 10.1 The draft Plan is recommended for approval for publication, to discharge the Council's statutory responsibility.

11. **Background Papers**

- 11.1 None.

12. **Author**

- 12.1 Martin Randall, Best Value Manager,
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LONDON BOROUGH OF HARROW

Agenda item:

Page no:

Meeting:	OVERVIEW AND SCRUTINY COMMITTEE
Date:	23 September 2003
Subject:	Best Value Performance Plan 2003/04
Key decision:	No
Responsible Chief Officer:	Executive Director (Organisational Development)
Relevant Portfolio Holder:	Finance, Human Resources and Performance
Status:	Part I
Ward:	N/A
Enclosures:	Appendix A – Performance Plan Requirements B – Best Value Performance Plan 2003/04* C – Traffic Light Monitor *Copies circulated separately to Members of the Committee only. Also available at www.harrow.gov.uk .

1. **Summary/ Reason for urgency (if applicable)**

- 1.1 The Best Value Performance Plan (BVPP) forms part of the Council's statutory policy framework. In line with statutory guidance, the Budget and Policy Framework Procedure Rules of the Council's Constitution require the Plan to be referred to the Overview and Scrutiny Committee for consideration prior to adoption by Council. This report refers the Council's Best Value Performance Plan 2003/04 to the Committee for its consideration.
- 1.2 The Plan details performance against the Best Value Performance Indicators and the Council's priorities for improvement over the next two years. The report also highlights changes to the published performance data in the light of internal and external audits. The report also seeks the Committee's views on a proposed 'traffic light' monitoring system to assess progress against the Best Value Performance Indicators.

2. **Recommendations (for decision by the Overview and Scrutiny Committee)**

- 2.1 **That the Committee consider the options for the structure of the BVPP 2004/05 as set out in paragraph 7.4.**
- 2.2 **That the Committee note the changes to the BVPIs as set out in Appendix C.**
- 2.3 **That the Committee consider the structure and context of the 'Traffic Light Monitor' as set out in paragraph 9.2 and appendix C of this report.**
- 2.4 **That Council be recommended to approve the BVPP 2003/04 and to consider any**

comments of the Committee thereon.

REASON:

To enable the Council to assess progress against its objectives and identify areas for further consideration by the Committee.

3. Consultation with Ward Councillors

Not applicable.

4. Policy Context (including Relevant Previous Decisions)

Overview and Scrutiny (Minute 91) at its meeting on 10 July when considering the Annual Audit letter 2001/2 discussed the action needed to ensure improved accuracy of data collection for the BVPP. The use of a 'traffic light system' to monitor performance against the BVPIs was also discussed.

5. Relevance to Corporate Priorities

The BVPP is the means by which progress against the Council's Vision and Strategic Priorities is assessed and measured.

6. Background

6.1 Context of the Best Value Performance Plan

The Council is required under Section 6 of the Local Government Act 1999 to publish an annual Best Value Performance Plan (BVPP). The Government sees BVPPs as the principal means by which authorities report their priorities for improvement and their achievements and as such will remain one of the few statutory plans that will continue to be required from all authorities.

The Government in March 2003 reconsidered the information that should be contained within BVPPs and concluded that their main focus should be that of reporting the measures taken to deliver improvement in outcomes for local people and recording progress in delivering those outcomes. It should address key priorities, including progress on agreed delivery targets, and summarise an authority's improvement planning activities, including those undertaken following CPA. Whilst there is a need for some contextual data, this should directly support improvement and delivery planning information. The Government believes that the principal audiences of the BVPP are likely to be staff and elected members of the authority, groups and organisations with an interest in the activities of the authority, the regulatory bodies and Central Government. It is nevertheless a public document and therefore should be made available on authorities' websites and in local libraries and information centres.

Appendix A sets out the list of matters that authorities must now include in their BVPPs.

6.2 Performance Indicators and Targets

Authorities must report progress against the Best Value Performance Indicators and

targets in their BVPPs. They must set that information in context by reporting their out-turn performance against the targets they set themselves for each indicator at the start of the year, and explain significant differences between targets and actual performance.

6.3 Audit and Inspection of the Performance Plan

The Council's BVPP must be audited in accordance with section 7 of the Local Government Act 1999. This will be undertaken by the Council's external auditors and will be in two parts, an audit of the Performance Indicators and a qualitative assessment of the BVPP. The audit of the BVPP will feed into future CPA scores.

7. Harrow's Best Value Performance Plan

7.1 Harrow's BVPP 2003/04 is provided as Appendix B to this report.

It is structured as follows:

- The Council's priorities
- Performance Management framework
- Performance Indicators
- Taking stock including
 - Peer Review
 - CPA
 - Improvement Plan
 - Audit and Inspection Programme
 - Audit reports 2002/03
- Best Value Review
- Council's Finances
- Improving our Services.

7.2 The plan is structured around the Council's current departments and in pages 57-81 sets out the outcomes and improvement measures over the past three years and the improvement measures planned over the next two years.

7.3 The plan was structured in this way because:-

- the new Council structure was not yet in place
- the Council's priorities are being revisited via the Corporate Plan
- the ease of collecting data

7.4 However this structure is being reviewed for next year's plan and options for possible structure include:

- BVPIs and improvement measures etc. based on new Council Departments or
- BVPIs and improvement measures linked to key Council strategic priorities as defined in corporate plan

7.5 Given that a key objective of the BVPP is to set out the Council's strategic objectives and priorities for improvements, the second approach has much to commend it.

7.6 Members' views are requested on how the plan could be structured in future.

8. Best Value Performance Indicators 2002/03

- 8.1 Pages 9 – 23 of the BVPP set out the Council's performance against each indicator, the target set for 2002/03, the outturn performance for 2002/3 and the targets for the next 3 years.
- 8.2 This year, for the first time, a comprehensive internal audit of all BVPIs was undertaken before that of the external auditors.
- 8.3 As a result of the internal and external audits there are 34 changes to the figures published. (NB 10 changes relate to one indicator BV99 road casualties).
- 8.4 Of the changes:
- 10 constitute "material mis-statements" i.e. a variance of more than 15% from the published figure (NB 6 of these are under BV99).
 - Two indicators, BV 127a/b, will be reserved by the external auditor (Violent Offences by a stranger/ in a public place) as they consider the Police data used as unreliable.
- 8.5 The changes are set out in Appendix C which contains all the updated figures. Those with amended figures and the reasons for the amendment are set out in the final column of the appendix.
- 8.6 We are informally advised that, notwithstanding the changes referred to above, the BVPP will not be qualified on that account.
- 8.7 The qualitative assessment of the BVPP is still not complete and the results of that audit will be advised to the Committee at the meeting.

9. BVPIs – "Traffic Light" Monitor

- 9.1 At the last meeting of the Committee, it was requested that a "traffic light" system be devised to assess overall progress against the indicators and to highlight areas where the Overview and Scrutiny Committee or the Scrutiny Sub-Committees might wish to explore further, and inform their future work programme.
- 9.2 The monitor at this stage is arranged with the indicators in the following order:-
- Corporate Health Indicators
 - Education
 - Social Services
 - Housing
 - Housing Benefit and Council Tax
 - Environment
 - Transport
 - Planning
 - Environmental Health Trading Board
 - Cultural and Related Services
 - Community Safety
 - Community Legal Services
- 9.3 The indicators can be grouped in whichever way the Committee or Sub-Committees would find more helpful e.g. by new directorate, by Scrutiny Sub group etc.

- 9.4 The Monitor compares Harrow's performance data for 2001/02 with London at 3 levels.
- (a) Harrow's quartile position when compared with all London Boroughs (a quartile ranking of 1 means Harrow was in the top 25% when compared to all London Boroughs, conversely a quartile ranking of 4 means Harrow was in the bottom quartile).
 - (b) the average BVPI score for the 'excellent' London Boroughs.
 - (c) Harrow's ranking when compared with the 20 outer London Boroughs. (In this case a ranking of 1 is 'good' and a ranking of 20 'bad').
- 9.5 At present the 2001/2 data is the latest published by the Audit Commission, it should be updated in the autumn.
- 9.6 In the last two columns, Harrow's actual 2002/03 BVPI data is analysed – there are three 'arrow signs' used to give a quick overview of Harrow's position.
- 9.7 In the trend column, a green arrow pointing upwards indicates an 'improved' trend, conversely a red downward arrow, a potentially declining situation.
- 9.8 In the target column, a green upward pointing arrow indicates the actual 2002/3 performance was better than the target set last year, a red downward arrow, on the other hand indicates that 2002/3 outturn was not as targeted.
- 9.9 The use of a yellow horizontal arrow indicates no upward or downward trend when used in the trend column, for the target column it indicates that the 2002/03 actual data was spot on target.
- 9.10 Overall the traffic light monitor shows a mixed picture of achievement with:-
- 25 indicators where target has been exceeded and where trend is improving
 - 2 where target has been achieved but trend is declining
 - 12 where target has not been met but trend is improving.
 - 22 where target has not been met and the trend is declining
- 9.11 It must be stressed that the traffic light monitor gives an overview of performances and members should be aware that in many cases the details of the indicator is important in interpreting the result. For example a missed target may still be good performance relating to others e.g. BVPI 9 , percentage of Council tax collected.
- 9.12 The 'traffic lights monitor' is still very much in its infancy and it will be developed further to enable quarterly monitoring of indicators.
- 9.13 The Committee's views on its usefulness are requested, and how they would wish to see it developed further.

10. **Consultation**

N/A

11. Financial Implications

11.1 No comments.

12. Legal Implications

12.1 The Best Value Performance Plan is required by Regulations under the Local Government Act 1999 to be published by 30 June annually.

12.2 Budget and Policy Framework Rule 3 of the Council's Constitution requires the Plan to be adopted by full Council. The Rule also requires that the Plan be referred to the Overview and Scrutiny Committee for consideration prior to its adoption by Council.

12.3 The only opportunity to present the Plan to Council prior to the publication date would have been the Annual Meeting on 15 May 2003. However, this was impractical given the work necessary to provide and verify outturn performance information for the financial year 2002/03 and commentary based on that data.

12.4 The Cabinet on 17 June 2003 therefore agreed that the Plan be published by the 30 June deadline, and submitted to the next ordinary meeting of Council (23 October 2003) for formal adoption. The Plan was published on 30 June 2003. Should Council decide to modify the Plan when adopting it, a suitable amendment will need to be published.

Background Papers

Local Government Act 1999 Part I Best Value and Performance Improvement; ODPM Circular 03/2003.

Best Value Performance Plan 2003/04

Comprehensive Performance Assessment Report 2002 Audit Commission

Report Author

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Annex E to ODPM Circular 03/2003: PERFORMANCE PLAN REQUIREMENTS

1. The following requirements are issued under Section 6 of the Local Government Act 1999. They should be read in conjunction with paragraphs 65 to 79 of this Circular.

2. All authorities must include the following items in their Performance Plan published by June 2003, and in subsequent years:-

(a) A brief summary of the authority's strategic objectives and priorities for improvement. This should be drawn from the authority's overall vision, community strategy, its corporate planning processes, and the opportunities and weaknesses identified in CPA, where applicable.

(b) CPA scores, as presented in the Audit Commission's scorecard, where applicable.

(c) Progress in, and future plans for, delivering local and national priorities including:

- progress over the past 3 years in implementing improvement measures, including those identified in best value reviews and audit and inspection recommendations;
- outcomes from, or impact of, improvement measures implemented over the past 3 years;
- plans for improvement over the current and subsequent 2 years, including best value review and inspection programmes for the current year and, if available, future years³⁰. Those authorities that are categorised overall as poor and those that are categorised as weak with a score of 1 in corporate capacity and are engaged in recovery planning should reflect key elements of their recovery planning arrangements in their Performance Plan.

(d) Details of past, current and planned performance against local and national performance indicators, including:

- actual performance over the past year on:
 - all BVPIs;
 - indicators used to measure progress against Local PSA targets where applicable; and
 - local indicators set by the authority to measure performance in priority areas;
- details of the performance targets for the past year as set out in the last year's Performance Plan for all BVPIs and other indicators referred to above;
- targets for the current year and the subsequent 2 years, for all BVPIs, and local indicators set by the authority to measure performance in priority areas. These must have regard to nationally set standards and floor targets applying to the relevant year.

(e) A brief summary of financial information. This should record budgeted and actual (or estimated) income and expenditure for the past financial year, and provide a brief explanation of any significant variation. It should also include planned income and expenditure for the current year.

(f) A brief statement on contracts. Authorities should state and certify that all individual contracts awarded during the past year which involve a transfer of staff comply, where applicable, with the requirements in the Code of Practice on Workforce Matters in Local Authority Service Contracts. (Annex D to this Circular.)

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BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
PI No.	CORPORATE HEALTH	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Target (see notes below)	Trend (see notes below)		
		Based on 2001/02 data (see notes below)									
1a	Does the authority have Community Strategy developed in collaboration with the local strategic partnership, for improving the economic, social and environmental well being in a way that is sustainable?		*	No	N/A	N/A	N/A	N/A	N/A	N/A	
1b	By when (mm,yy) will a full review of the community strategy be completed? If such a review was scheduled for this year, was it completed on time?		*	-	N/A	N/A	N/A	N/A	N/A	N/A	
1c	Has the authority reported progress towards implementing the community strategy to the wider community this year? If no, by when (mm,yy) will this be undertaken?		*	-	N/A	N/A	N/A	N/A	N/A	N/A	
1d	By when (mm,yy) does the authority plan to have such a strategy in place? Are the partnership arrangements in place to support the production of the strategy?		Nov-03	1-May-04	N/A	N/A	N/A	N/A	N/A	N/A	↓
2a	The level (if any) of the Equality Standard for Local Government to which the authority conforms.			1	N/A	N/A	N/A	N/A	N/A	N/A	
2b	The duty to promote race equality.				N/A	N/A	N/A	N/A	N/A	N/A	
3	The percentage of citizens satisfied with the overall service provided.										
4	The percentage of complainants satisfied with the handling of their complaint.										
8	The percentage of invoices for commercial goods and services that were paid by the authority within 30 days of such invoices being received by the authority.	83.00%	100.00%	84.00%	2	78.95%	8th	↓	↑	↑	
9	Percentage of Council Tax collected.	98.60%	99.00%	97.20%	1	94.69%	1st	↓	↓	↓	
10	The percentage of non-domestic rates due for the financial year which were received by the authority.	98.90%	99.00%	99.20%	1	98.23%	5th	↓	↑	↑	
11a	The percentage of top 5% of earners that are women.		40.00%	35.30%	N/A	N/A	N/A	↓	↓	↓	N/A
11b	The percentage of top 5% of earners from black and minority ethnic communities.		10.00%	5.30%	N/A	N/A	N/A	↓	↓	↓	N/A

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs Based on 2001/02 data (see notes below)	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)			
12	10.65	9.50	9.98	3	8.8	11th	↓	↑			
14	0.32%	0.45%	0.12%	3	0.37%	14th	↑	↑			
15	0.74%	0.50%	0.47%	4	0.37%	17th	↑	↑			
16	2.10%	3.00%	2.40%	2	2.24%	6th	↓	↑			
17	23.00%	25.00%	27.40%	2	18.00%	6th	↑	↑			
156	42.00%		42.70%								
157	11.00%	4.00%	11.00%	2	17.37%	11th	↓	↔			
180a(i)	33.95%	39.76%	35.50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
180a(ii)			184.00%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)			
180b			333.00								Amended following receipt of more up to date information.
180b											
EDUCATION											
30	Percentage of 3-year-olds receiving a good quality, free, early years education place in the voluntary, private or maintained sectors.	58.20%	76.0%	4							Incorrect data used in the calculation. Amended by LBH before audit commenced.(A difference of 0.2%)
33	Youth Service expenditure per head of population in the Youth Service target age range.	59.69	52.97	4	139.25	18th					Amended by LBH before the audit commenced following receipt of more accurate expenditure information.
34a	Percentage of primary schools with 25% or more of their places unfilled.	12.50%	12.50%	3	9.38%	14th					
34b	Percentage of secondary schools with 25% or more of their places unfilled.	0.00%	0.00%	3	8.91%	14th					
36a	Expenditure per pupil in local education authority schools in respect of nursery and primary pupils aged under five.	3,346.00	6,195.26								Amended following error relating to pupil numbers highlighted by Deloitte & Touche.
36b	Expenditure per pupil local education authority schools in respect of primary pupils aged five and over.	3,382.00	3,839.06								Amended by LBH before the audit commenced following receipt of more accurate expenditure information.
36c	Expenditure per pupil in local education authority schools in respect of secondary pupils aged under 16.	4,396.00	4,822.67								
38	Percentage of 15 year old pupils in schools maintained by the local education authority achieving five or more GCSEs at grades A*-C or equivalent.	59.00%	59.10%	1	49.43%	4th					

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Target (see notes below) Based on 2002/03 data (Narrow)	Trend (see notes below)			
									Based on 2001/02 data (see notes below)	Based on 2002/03 data (Narrow)	
39	96.70%		91.20%	1	95.05%	5th	Amended Indicator	↓			
40	74.60%	80.00%	79.60%	2	74.24%	7th	↔	↑			
41	79.20%	81.00%	80.80%	1	78.48%	7th	↔	↑			
43a	100.00%	100.00%	85.70%	1	97.64%	=1st	↓	↓			Amendment arose from D&T audit work that highlighted incorrect interpretation of the definition. Discussed with the Audit Commission for clarification and resolved by reworking the source information
43b	43.00%	65.00%	15.90%	4	61.54%	15th	↓	↓			
44	2.40	1.60	2.40	4	1.74	19th	↓	↔			
45			8.10%	-	-	-	Amended Indicator	Amended Indicator			
46			6.20%	-	-	-	Amended Indicator	Amended Indicator			
48	0.00%	0.00%	0.00%	1	1.09%	=1st	↔	↔			

BEST VALUE PERFORMANCE INDICATORS (BVPis)										Comments following audit of BVPis
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs Based on 2001/02 data (see notes below)	Outer London	Target (see notes below)	Trend (see notes below)		
							Based on 2002/03 data (Harrow)			
159	The percentage of permanently excluded pupils provided with alternative tuition of: a) under 6 hours; b) 6-12 hours c) 13-19 hours d) 20 hours or more.									
		0.00%	42.00%				Amended Indicator			
		5.00%	14.00%				Amended Indicator			
		10.00%	2.00%				Amended Indicator			
		85.00%	42.00%				Amended Indicator			
181	Percentage of 14-year old pupils in schools maintained by the local education authority achieving Level 5 or above in the Key Stage 3 test in: a) English b) Mathematics c) Science d) ICT Assessment									
				75.00%		no outturn data reported for 2001/02			New Indicator	
				73.00%		no outturn data reported for 2001/02			New Indicator	
				72.00%		no outturn data reported for 2001/02			New Indicator	
192	Quality of teaching for early years and childcare services. This replaces the Early Years Indicators (BV30) and under 5s expenditure (BV36a) which have now been deleted. a) Average days access to relevant training and development per practitioner delivering Foundation Stage education; and b) Average number of QTS teachers per 10 non-maintained settings.									
						no outturn data reported for 2001/02			New Indicator	
193	How the authority's Schools Budget compares with its Schools Funding Assessment. a) Schools Budget as a percentage of the Schools Funding Assessment. b) Increase in Schools Budget on the previous year as a percentage of the increase in Schools Funding Assessment on the previous year.									
						no outturn data reported for 2001/02			New Indicator	
194	The percentage of pupils achieving level 5 or above in Key Stage 2. a) English. b) Maths.									
						no outturn data reported for 2001/02			New Indicator	

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)			
SOCIAL SERVICES											
49	2.40%	11.00%	3.10%	1	10.52%	1st	↑	↑			
50	33.30%	75.00%	37.50%	3	45.34%	13th	↓	↑			
51	750.00	738.00	708.00	3	699.08	13th	↑	↑			
52	495.00	505.00	531.00	2	506.95	11th	↑	↑			
53	15.6 (revised)	15.00	13.50	2	19.05	16th	↑	↑			
54	72.20	110.00	70.00	4	111.73	16th	↓	↓			Amended by LBH before the audit commenced.
55	60.80%	42.00%	66.50%								Amended by LBH before the audit commenced.
56	87.00%	96.00%	95.20%								Amended following initial D&T audit work. LBH staff reworked the PI. This resulted in the change.
56				no outturn data reported for 2001/02						Amended Indicator	
58	63.00%	91.00%	68.00%	4	91.07%	19th	↓	↑			

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs Based on 2001/02 data (see notes below)	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)			
161	75.00%	85.00%	62.10%	1	64.26%	3rd	Red arrow	Red arrow			
162	92.60%	100.00%	100.00%	3	98.17%	=12th	Yellow double arrow	Green arrow			
163	4.10%	4.00%	5.90%	3	6.75%	12th	Green arrow	Green arrow			
182		75.00%	46.00%								
190		50.00%	57.00%								
195				No outturn data reported for 2001/02					New Indicator		
196				No outturn data reported for 2001/02					New Indicator		
HOUSING											
62	1.00%	0.50%	1.00%	4	2.50%		Green arrow	Yellow double arrow			
63	54.00	55.00	54.00	2	54.98	=8th	Red arrow	Yellow double arrow			
64	4.62%	113	104	2	3.8%	7th			Amended Indicator		
66a	95.07%	99.25%	96.79%	2	93.95%	9th	Red arrow	Green arrow			

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Based on 2001/02 data (see notes below)		Outer London	Target (see notes below)	Trend (see notes below)		
					Excellent LBs	Based on 2002/03 data (Harrow)					
74	Satisfaction of tenants of council housing with the overall service provided by their landlord (survey conducted in 2000/01)										
	(i) overall satisfaction - all tenants	80.00%	80.00%					Survey to be carried out in 2003/04			
	(ii) black and minority ethnic		74.00%	74.00%				Survey to be carried out in 2003/04			
	(iii) non-black and minority ethnic tenants.		89.00%	81.00%				Survey to be carried out in 2003/04			
75	Satisfaction of tenants of council housing with opportunities for participation in management and decision making in relation to housing services provided by their landlord (survey to be conducted in 2003/04)										
	(i) overall satisfaction - all tenants							Survey to be carried out in 2003/04			
	(ii) black and minority ethnic							Survey to be carried out in 2003/04			
164	(iii) non-black and minority ethnic tenants.							Survey to be carried out in 2003/04			
	Does the authority follow the Commission for Racial Equality's code of practice in rented housing and follow the Good Practice Standards for social landlords on tackling harassment included in Tackling Racial Harassment:	Yes	Yes	Yes	97% 'Yes'	100% 'Yes'	80% 'Yes'	N/A	N/A		
	The average length of stay in (i) bed and breakfast accommodation and (ii) hostel accommodation of households which include dependent children or a pregnant woman and which are unintentionally homeless and in priority need.										
183	i) bed and breakfast accommodation		14.00	16.00		no outturn data reported for 2001/02		New Indicator			
	ii) hostel accommodation		29.00	18.00		no outturn data reported for 2001/02		New Indicator			
184a	The proportion of local authority homes which were non-decent at 1 April 2002.		28.00%	49.00%		no outturn data reported for 2001/02		New Indicator			
184b	The percentage change in proportion of non-decent local authority homes between 1 April 2002 and 1 April 2003.		100.00%	-6.00%		no outturn data reported for 2001/02		New Indicator			
185	Percentage of responsive (but not emergency) repairs during 2002/2003, for which the authority both made and kept an appointment.		0.00%	0.00%		no outturn data reported for 2001/02		New Indicator			

Rounding error of 2002/03 outturn figure
 Following discussion with the Housing Department, Audit Commission and D&T it was decided to rework the PI in order to give a more accurate picture. The original value was based on an out of date survey which, when rolled forward gave results that were misleading.

BEST VALUE PERFORMANCE INDICATORS (BVPIs)										Comments following audit of BVPIs						
2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Target (see notes below)	Trend (see notes below)	Based on 2002/03 data (Harrow)								
2001/02 Outturn		2002/3 Targets		2002/3 Outturn		Quartile London		Excellent LBs			Outer London		Target (see notes below)		Trend (see notes below)	
HOUSING BENEFIT AND COUNCIL TAX																
Security: whether the authority has a written and proactive strategy for combating fraud and error, which embraces specified initiatives including those sponsored by the Department of Works and Pensions, which is communicated regularly to all staff. Yes/No.																
76	Yes	Yes	Yes													
	a) The number of claimants visited, per 1,000 caseload.															
	b) The number of fraud investigators employed, per 1,000 caseload.															
	c) The number of fraud investigations, per 1,000 caseload.															
	d) The number of prosecutions and sanctions, per 1,000 caseload.															
78a	Speed of processing: Average time for processing new claims (days)	89.1 (revised)	35.00	86.56	4	Using revised fig.	14th	64.56		Using revised fig.	14th	Using revised fig.	Target reflected aspirational national target.	Amended Indicator		Amended by LBH before the audit commenced.
78b	Speed of processing: Average time for processing notifications of changes of circumstances (days)	17.00	14.00	18.70	2		=8th	25.53			=8th			Amended Indicator		
78c	Speed of processing: Percentage of renewal claims processed on time.	39.64% (revised)	90.00%	45.45%	4	Using revised fig.	15th	71.42%			15th			Amended Indicator		
79a	Accuracy of processing: Percentage of cases for which the calculation of the amount of benefit due was correct on the basis of the information available for the decision for a sample of cases checked post-decision.	92.00%	93.00%	93.80%	4		16th	95.37%			16th			Amended Indicator		The published figure is 98% but this was a typing error on the proforma. The figure should read 93.8%.
79b	Accuracy of processing: The percentage of recoverable overpayments (excluding Council Tax Benefit) that were recovered in the year.	29.00%	55.00%	39.07%	4		16th	43.49%			16th			Amended Indicator		
80	Overall satisfaction with the service (3-yearly survey next due 2003/4)															
	a) Contact/access facilities at the benefit office.															
	b) Service in the office.															
	c) Telephone service.															
	d) Staff in the benefit office.															
	e) Clarity of forms and leaflets.															
	f) Time taken for a decision.															
	g) Overall satisfaction.															

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)				
ENVIRONMENT											
199	<p>The proportion of relevant land and highways as defined under EPA 1990 Part IV section 86 (expressed as a percentage) that is assessed as having combined deposits of litter and detritus (eg, sand, silt and other debris) across four categories or cleanliness (Clean, Light, Significant, Heavy).</p> <p>a) Clean b) Light c) Significant d) Heavy</p>										
82a	10.30%	11.00%	9.40%	2	10.72%	10th	Red Arrow	Red Arrow	no outturn data reported for 2001/02		N/A
82b	0.00%	0.00%	0.00%	4	1.84%	=15th			no outturn data reported for 2001/02		N/A
82c	0.00%	0.00%	0.00%	4	insufficient data for ave.				no outturn data reported for 2001/02		N/A
82d	89.90%	89.00%	90.60%			N/A			no outturn data reported for 2001/02		N/A
84	441.00	450.00	457.00	3	414.21	13th	Green Arrow	Green Arrow	no outturn data reported for 2001/02		N/A
86	34.91	38.00	46.03	3	36.13	14th	Red Arrow	Red Arrow	no outturn data reported for 2001/02		Amended by LBH before the audit commenced following receipt of more accurate expenditure information.
89	The percentage of people satisfied with the cleanliness standard in their area (3-yearly survey, next due 2003).										
90	The percentage of people satisfied with... (next survey 2003)										
	a) household waste collection.										
	b) waste recycling										
	c) waste disposal										

BEST VALUE PERFORMANCE INDICATORS (BVPis)											Comments following audit of BVPis
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBS	Outer London	Target (see notes below)	Trend (see notes below)			
				Based on 2001/02 data (see notes below)			Based on 2002/03 data (Harrow)				
91	100.00%	[100% -old def'n]	89.00%	1	100.00%	=1st	↑	↑			Following discussions with the ES dept. it was highlighted that 89% was a more accurate figure and was substantiated
TRANSPORT											
96	13.20%	4.00%	9.49%	3	4.51%	13th	↑	↑		Amended indicator	
97	24.50%	28.00%	9.40%	4	9.39%	17th	↓	↓			
	20.00%	28.00%	16.80%	4	9.76%	12th	↓	↓			
99	16.29	17.12	19.23	2	37.39	=12th	↑	↑			
	47.47	48.29	50.96	1	130.03	6th	↑	↑			
a) Pedestrians											Transport accidents parts 99 a-e All parts of this PI were amended as the values published were based on calendar year 2002 when the guidance requires the data to be based on calendar year 2001. (Figures for 2001/02 similarly changed.)
	0.93	2.73	2.98	1	10.37	=2nd	↑	↑			
	20.01	15.95	16.83	1	69.30	=1st	↑	↑			
c) Two-wheeled motor vehicle users											
	5.59	4.96	5.29	1	23.51	1st	↑	↑			
	22.34	27.33	28.85	1	140.40	1st	↑	↑			
d) Car users											
	30.72	17.77	18.75	1	24.30	=2nd	↑	↑			
	196.88	205.34	217.31	1	196.01	5th	↑	↑			
e) Other vehicle users											
	1.86	3.89	4.33	2	7.67	=10th	↑	↑			
	19.08	18.68	20.19	1	79.12	1st	↑	↑			

BEST VALUE PERFORMANCE INDICATORS (BVPIs)									
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs Based on 2001/02 data (see notes below)	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)	Comments following audit of BVPIs
100	2.03	0.92	1.43	4	2.37	=17th	↗	↕	
	Number of days of temporary traffic controls or road closure on traffic sensitive roads caused by road works per km of traffic sensitive road.								

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs Based on 2001/02 data (see notes below)	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)			
165	100.00%	100.00%	100.00%	1	77.73%	=1st	↔	↔			
178	74.50%	85.00%	90.90%	3	(Kingston 100%, Bexley 99%)	13th	↑	↑			
186											
		0.014	42.88	no outturn data reported for 2001/02				New indicator		Amended by LBH using less rounded figures in order to give a more accurate portrayal and then amended following the issue of further guidance from the Audit Commission in July 2003.	
187a		0.10	231.90	no outturn data reported for 2001/02				New indicator			
		*	29.86%	no outturn data reported for 2001/02				New indicator			
PLANNING											
106	94.00%	100.00%	100.00%	4	99.57%	14th	↔	↔			
107	10.63	11.27	12.51	2	19.76	14th	↓	↓		Amended by LBH before the audit commenced following receipt of more accurate expenditure information.	
109											
		45.00%	32.00%	no outturn data reported in 2001/02			↓	Amended indicator			
		50.00%	38.00%	no outturn data reported in 2001/02			↓	Amended indicator			
		80.00%	63.00%	no outturn data reported in 2001/02			↓	Amended indicator			
111											
179	99.48%	100.00%	99.90%	3	96.54%	14th	↔	↔		Was 100%, now 99.9%. Typing error in the proforma.	
188		90.00%	85.00%	no outturn data reported in 2001/02				New indicator			

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Based on 2002/03 data (Harrow)		Trend (see notes below)		
							Target (see notes below)	Based on 2002/03 data (Harrow)			
200	Plan-making a) Do you have a development plan (or alterations to it) that has been adopted in the last 5 years and the end date of which has not expired? b) If 'No' are there proposals on deposit for an alteration or replacement, with a published timetable for adopting those alterations or the replacement plan within three years?										
ENVIRONMENTAL HEALTH & TRADING STANDARDS											
166	Score against a checklist of enforcement best practice for environmental health/trading standards:- a) Environmental Health b) Trading Standards	100.00%	85.00%		69.29%	5th					
		90.00%	90.00%	N/A	75.00%	N/A					
CULTURAL & RELATED SERVICES											
114	The adoption by the authority of a Local Cultural Strategy.	No	100.00%	N/A	4 'yes': 3 'no'	N/A					
115	The cost per physical visit to public libraries.	3.11	3.17								
117	The number of physical visits per 1,000 population to public library premises. The percentage of library users who found the book/information they wanted or reserved it and were satisfied with that outcome (3-yearly survey, next due 2003).	6505	6500	2	7529	11th					
118	a) Users - found a book to borrow. b) Users - found the information they were looking for. c) Users - satisfied with the library overall.										
119	The percentage of residents satisfied with the Local Authority Cultural services (3-yearly survey, next due 2003/4) a) Sports and leisure facilities b) Libraries c) Museums d) Arts activities and venues e) Parks and open spaces.										

BEST VALUE PERFORMANCE INDICATORS (BVPIs)											Comments following audit of BVPIs
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London Based on 2001/02 data (see notes below)	Excellent LBs Based on 2001/02 data (see notes below)	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)	2002/3		
									Outturn	Targets	
170a	75	95	165	3	225	11th	↑	↑			
170b	75	95	165	3	152	13th	↑	↑			
170c			389	no outturn data reported in 2001/02			N/A	N/A			
COMMUNITY SAFETY											
126a	23.19	23.39*	23.80		22.00		↓	↓			The original value was calculated based on an incorrect household figure.
127											
		*	9.14		127 (a) and (e) combined = 6.81	9th 127a/127e			Amended indicator		
		*	11.07						Amended indicator		
		*	not available						Amended indicator		
		*	not available						Amended indicator		
		*	not available						Amended indicator		
	4.17	3.85*	2.95	1	127 (a) and (e) combined = 6.81	9th 127a/127e	↓	↓	Amended indicator		The original value was calculated based on an incorrect household figure.
128a	17.73	11.49*	14.95		27.90	7th	↑	↑			
174	118.75 (revised)	*	61.06	outturn for Harrow incorrectly calculated	21.96	outturn for Harrow incorrectly calculated		↓	no target set		
175	98.79% (revised)	*	66.14%	outturn for Harrow incorrectly calculated	85.61%	outturn for Harrow incorrectly calculated	↑	↑	no target set		
176	0.30	0.30	0.30	2	0.27	10th	↔	↔	↔		

BEST VALUE PERFORMANCE INDICATORS (BVPIs)									
	2001/02 Outturn	2002/3 Targets	2002/3 Outturn	Quartile London	Excellent LBs	Outer London	Target (see notes below) Based on 2002/03 data (Harrow)	Trend (see notes below)	Comments following audit of BVPIs
COMMUNITY LEGAL SERVICES									
	Percentage of authority expenditure (whether in-house or external) on legal and advice services which is spent on services that have been awarded the Quality Mark and meet legal needs identified in the Community Legal Service Partnership strategic plan.								
177		20.50%	20.00%			no outturn data reported in 2001/02	N/A	N/A	Amended indicator


Notes on Table Format

* no target specified in BVPP 2002/03

BVPIs - 126a, 127e and 128e - these targets not included in the BVPP for 2002/03.

The 2002/03 BVPIs highlighted  will be used in this year's

CPA model for unitary authorities.

The 2002/03 BVPIs highlighted  are CPA model indicators that may receive particular attention from our external auditors.

The table compares Harrow's performance data for 2001/02 with London at three levels:

- a) Harrow's quartile position when compared with all London boroughs (A quartile ranking of 1 means Harrow was in the top 25%) when compared with all London boroughs.) (Conversely, a quartile ranking of 4 means Harrow was in the bottom quartile)
 - b) The average BVPI score for the 'excellent' London boroughs (The average BVPI score for the 'excellent' London authorities ignores the Corporation of London because its scores distort the averages for the rest of the other 'excellent' LBs.)
 - c) Harrow's ranking when compared with the 20 outer London boroughs (In this case, a ranking of 1 is 'good' and a ranking of 20 'bad')
- (At the present time, the 2001/02 PI data is the latest published by the Audit Commission for all local authorities)

In the last two columns, Harrow's actual 2002/03 BVPI data is analysed. There are three 'arrow signs' used to give a quick view of Harrow's position.

In the 'trend' column, a green arrow pointing upwards indicates an 'improving' trend. Conversely, a red downward arrow, a potentially declining situation.

In the 'target' column, a green upward pointing arrow indicates the actual 2002/03 performance was better than the target set last year. The red downward arrow, on the other hand, indicates that the 2002/03 performance outturn was not as targeted.

The occasional use of a yellow horizontal arrow indicates no upward or downward trend when used in the 'trend' column. For the 'target' column, it indicates that the 2002/03 actual data was spot on target.

COUNCIL

23 OCTOBER 2003

SERVICE AND FINANCIAL PLANNING PROCESS 2004-05 TO 2006-07

(1) CABINET
15 JULY 2003

REC. I: Service and Financial Planning
Process 2004-05 to 2006-07

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REPORT OF CABINET

MEETING HELD ON 15 JULY 2003

Chair: * Councillor Foulds

Councillors: * D Ashton * C Mote
 * Burchell * O'Dell
 * Margaret Davine * N Shah
 * Dighé * Stephenson
 Miss Lyne

* Denotes Member present

[Note: Councillor Christine Bednell, Councillor Eileen Kinnear and Councillor Stephen Thornton also attended this meeting in a participatory role].

PART I - RECOMMENDATIONS TO COUNCIL

RECOMMENDATION I – Service and Financial Planning Process 2004-5 to 2006-7

Cabinet considered a joint report of the Chief Executive, Executive Director (Business Connections) and Interim Director of Finance on the Service and Financial Planning Process 2004-05 to 2006-07.

Cabinet noted that in accordance with the Council's Constitution they were required to propose, to the Council, a timetable for the consideration of the budget. Cabinet noted that the report and its appendices contained proposals for a budget timetable and a service and financial planning process for setting the budget and Council Tax for 2004/5, developing the Medium Term Revenue Budget Strategy up to 2006-7 and developing a initial Medium Term Capital Budget Strategy. Members also noted that the report also contained proposed budget guidelines for their approval. It was noted that some of the documentation still needed development and that the guidelines would be subject to revision to clarify the process.

A Member suggested that it may be possible to adapt the strategic position statement to obtain an earlier indication of the views of residents. In response, the Portfolio Holder for Finance and Human Resources and Performance Management suggested that there be a meeting of the Budget Review Working Group to consider when stakeholders should be involved in the budget process.

Cabinet, having approved the budget guidelines as set out in the officer report

Resolved to RECOMMEND:

That the budget timetable set out at Appendix 2 to the officer's report be approved.

Reason for Recommendation: To recommend a budget timetable to prepare the 2004/05 budget to meet its statutory requirements to set a legal budget.

(See also Minute 307).

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COUNCIL

23 OCTOBER 2003

BUDGET CONSULTATION PROCESS

(1) CABINET
9 SEPTEMBER 2003

REC. I: Budget Consultation Process

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REPORT OF CABINET

MEETING HELD ON 9 SEPTEMBER 2003

Chair: * Councillor Foulds

Councillors: * D Ashton * C Mote
 * Burchell * O'Dell
 * Margaret Davine * N Shah
 * Dighé * Stephenson
 * Miss Lyne

* Denotes Member present

PART I - RECOMMENDATIONS TO COUNCIL
RECOMMENDATION I - Budget Consultation Process

Cabinet considered a report of the Executive Director (Business Connections) on the budget consultation process.

Members noted that, in accordance with the Council's Constitution, the Cabinet was required to propose and the Council agree a timetable for consideration of the budget. This timetable detailed the intended process for consultation on the budget with local stakeholders and others.

Cabinet noted that the report set out the detailed proposed timetable for consultation and possible ways of improving the consultation process. It set out a proposed timetable for consultation on the 2004-5 revenue budget and the 2004/5 to 2006/7 Medium Term Budget Strategy, together with the proposals to improve the consultation process. The Executive Director (Business Connections) advised that the budget consultation process adopted in previous years met most of the requirements of the OPDM guidelines on budget consultation. There were, however, a number of key areas for improvement in the process this year. He proposed the adoption of a two stage consultation process and that further improvements be identified in the presentation of information to consultees as well as the development of options for consultation.

Cabinet, having approved the development of a two stage budget consultation process and approved the work to be undertaken to improve the consultation process

Resolved to RECOMMEND:

That the budget consultation timetable attached to Appendix I to these minutes be approved.

Reason for Recommendation: To recommend to Council a budget consultation timetable to prepare the 2004/5 budget to meet its statutory requirements to set a legal budget and to enable improvements in the budget consultation process to be made.

(See also Minute 323)

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COUNCIL

23 OCTOBER 2003

STATEMENT OF ACCOUNTS 2002-2003

(1) CABINET
9 SEPTEMBER 2003

REC. II: Statement of Accounts
2002-2003

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REPORT OF CABINET

MEETING HELD ON 9 SEPTEMBER 2003

Chair: * Councillor Foulds

Councillors: * D Ashton * C Mote
 * Burchell * O'Dell
 * Margaret Davine * N Shah
 * Dighé * Stephenson
 * Miss Lyne

* Denotes Member present

RECOMMENDATION II - Statement of Accounts 2002-2003

Cabinet considered a report of the Executive Director (Business Connections) on the Statement of Accounts 2002-2003.

Cabinet noted that the Accounts and Audit Regulations 1996 required the annual accounts to be approved before the statutory deadline of 30 September by resolution of a Committee of the relevant body. The Executive Director (Business Connections) reported that Cabinet were requested to approve and recommend to Council the final outturn and Statement of Accounts for 2002/3 as the next Council meeting was not until 23 October 2003. The Council's Constitution required that full Council approve the Statement of Accounts. Members were advised that the statutory deadline for the approval of the annual accounts would be changing in future financial years as a result of changes in the Accounts and Audit Regulations. It would be a requirement to seek approval for the accounts by 31 August for the 2003-2004 accounts, 31 July for 2004/2005 accounts and 30 June for the 2005-2006 accounts.

The Executive Director (Business Connections) reported that the Statement of Accounts for 2002-2003, which were attached at Appendix 1 to his report, were subject to Audit. The statement had been prepared in accordance with the "Code of Practice on Local Authority Accounting in Great Britain". This specified the principles and practices of accounting required to prepare a Statement of Accounts which was intended to "present fairly" the financial position and transactions of a local authority. The Regulations required that a further report would need to be submitted if there were any material amendments to the accounts arising from the Audit.

A Member raised a number of queries in relation to the position on the pension fund. The Portfolio Holder for Finance, Human Resources and Performance Management indicated that it was necessary to monitor the situation and incorporate this issue into the budget strategy. The Executive Director (Business Connections) confirmed that the Council did not have the resources in-house to undertake an actuarial report.

Cabinet, having agreed that the Executive Director (Business Connections) be authorised to submit the Statement of Accounts to the External Auditor for Annual Audit and approved additional earmarked reserves in 2003-2004 of £0.5M for change management costs as set out in the report

Resolved to RECOMMEND:

That the final outturn and the Statement of Accounts for 2002-2003 (subject to Audit), attached at Appendix 1 to the Executive Director (Business Connections) report, be approved.

Reason for Recommendation: The Accounts and Audit Regulations 1996 require approval to the Statements of Accounts by 30 September 2003.

(See also Minute 324)

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COUNCIL

23 OCTOBER 2003

ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2002/03

- (1) 10 JULY 2003 - REC. I: Annual Report of the Overview
and Scrutiny Committee 2002/03

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REPORT OF OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD ON 10 JULY 2003

Chair: * Councillor Jean Lammiman

Councillors: * Blann * Marie-Louise Nolan
 * Mitzi Green * Osborn
 * Ann Groves * Pinkus
 * Ingram * Thammaiah
 * Myra Michael (1) * Versallion

* Denotes Member present
 (1) Denotes category of Reserve Member

[Note: Councillor C Mote also attended this meeting in a participating role].

PART I – RECOMMENDATIONS TO COUNCIL
RECOMMENDATION I - Annual Report of the Overview and Scrutiny Committee 2002/03

Your Committee was reminded of the requirements, as set out under Article 6 and Overview and Scrutiny Procedure Rule 12.3 of the Constitution, to report annually to full Council on its workings over the past year and on its agreed outline work programme for the current Municipal Year.

The former Chair of the Committee, Councillor Chris Mote, was in attendance at the meeting and presented the Committee's annual report for 2002/03, which incorporated the outline work programme for 2003/04.

Councillor Mote stated that, as last year had been the first year of operation of the new arrangements for the scrutiny function, a slow and measured approach had been taken. The scrutiny bodies had piloted a variety of ways of carrying out review work, and many lessons had been learnt, not least that review work was very resource-intensive in terms of Member and officer time. Future reviews would need to be well planned in order to make the best use of scrutiny's limited resources. With regard to the future development of scrutiny in Harrow, Councillor Mote stated that he would like to see further development of the policy development role and, although the staffing issue was being addressed, more resources dedicated to scrutiny. He thanked the Chairs of the Scrutiny Sub-Committees, and also the staff supporting scrutiny, for all their hard work during 2002/03.

Members felt that there was still a need for additional research and administrative support for scrutiny. Councillor Mote suggested that there was also a need for increased funding to buy in external support. It was advised that the need for increased support to undertake research would be addressed by the recruitment of the additional scrutiny support officer, which was on-going, but there was also capacity in the budget this year for a part-time administrative post. However, this would currently be only on a temporary basis. Members confirmed that officers should proceed with arranging this support.

With regard to research, it was suggested that the Council should be more outward-looking and learn lessons from other Authorities. Councillor Mote stated that the IDeA website was collating scrutiny reviews from Authorities across the country, and felt that this would eventually be a valuable resource. Officers were asked to ensure that the reports of the Committee's reviews were also placed on the IDeA website.

Resolved to RECOMMEND:

That the Committee's annual report for 2002/03 and the outline work programme for 2003/04 contained therein, as now reported in accordance with Article 6 and Overview and Scrutiny Procedure Rule 12.3 of the Constitution, be noted.

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Agenda item:

Page no:

Meeting:	OVERVIEW & SCRUTINY COMMITTEE
Date:	10 JULY 2003
Subject:	ANNUAL REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE 2002/03
Responsible Chief Officer	CHIEF EXECUTIVE
Status:	Part I
Ward:	N/A
Enclosures:	DRAFT ANNUAL REPORT 2002/03

1. Summary

- 1.1 In the last cycle of meetings, the Overview and Scrutiny Committee and the Scrutiny Sub-Committees agreed the process by which the 2002/03 annual report should be prepared and agreed for presentation to Council. This process provided for a composite report to be produced which includes an overview of the work undertaken over the past year supported by individual contributions from each of the scrutiny bodies.

The Health and Social Care and Strengthening Communities Scrutiny Sub-Committees agreed their contributions to the annual report at their meetings on 18 June 2003 and 25 June 2003 respectively. The contributions of the Lifelong Learning and Environment and Economy Scrutiny Sub-Committees are also being submitted to Members of those Sub-Committees for approval, and any amendments agreed will be reported verbally at the Overview and Scrutiny Committee on 10 July 2003.

2. Recommendations

- 2.1 To consider the attached draft annual report for 2002/03;
- 2.2 To agree the Committee's 2002/03 annual report for submission to the next Ordinary meeting of Council

3. Policy Context (including Relevant Previous Decisions)

- 3.1 This report addresses the requirement placed on the Committee to report to Council on the work done in the previous year and on its annual work programme for the forthcoming year.

Overview and Scrutiny Committee - 1.4.03

Environment and Economy, Health and Social Care, Lifelong Learning and Strengthening Communities Sub-Committee meetings - 31.3.03, 24.3.03, 8.4.03, 9.4.03 respectively.

Health and Social Care and Strengthening Communities Sub-Committee meetings - 18.6.03 and 25.6.03 respectively.

4. Relevance to Corporate Priorities

4.1 The work of scrutiny bodies seek to support all of the Council's corporate and strategic priorities.

5. Background Papers: Reports to, and minutes of:

Overview and Scrutiny Committee - 1.4.03

Environment and Economy, Health and Social Care, Lifelong Learning and Strengthening Communities Sub-Committee meetings - 31.3.03, 24.3.03, 8.4.03, 9.4.03 respectively.

Health and Social Care and Strengthening Communities Sub-Committee meetings - 18.6.03 and 25.6.03 respectively.

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ANNUAL REPORT

OF THE

OVERVIEW &
SCRUTINY COMMITTEE

MAY 2002 – MAY 2003

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ANNUAL REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE MAY 2002 – MAY 2003

CHAIRS' FOREWORD

New democratic arrangements were adopted in Harrow in May 2002 and brought with them an expanded scrutiny function. Although a Scrutiny Committee was originally established in the Borough in 1999, this past year has seen a major change in our approach to scrutiny, which for the first time, has become a statutory responsibility.

The Overview and Scrutiny Committee, with its 5 Sub-Committees, has had a demanding and challenging year. Much has been achieved and many lessons learnt for the future. A review by District Audit has commented on a number of areas of good scrutiny practice, including scrutiny's effective investigative role, well thought out interfaces with both internal and external audit and our robust role in reviewing reports from all appropriate inspection agencies.

We are, however, conscious that there are still many areas for development, a number of which have been highlighted as a result of our experiences this year. Particular challenges which we face are the arrangements for the scrutiny of local health services and the need for us to prioritise our workload. As scrutiny members we are now only beginning to recognise fully the high demands which the scrutiny function makes on both Councillor and officer time.

Other key challenges next year will be to ensure that our processes meet the needs which accompany the changes associated with the New Harrow Project; to raise awareness, both within the Council and with the public, of the full potential of scrutiny's extensive and demanding role; and to develop public interest and participation in our work. Over the past year, our scrutiny bodies have considered a wide range of issues and, where possible, have involved our external partners and stakeholders in our deliberations. We have been impressed by the invaluable contributions to our work made by those whom we have contacted and intend to be developing the level of public input in our work programme for next year.

We have piloted new ways of carrying out our work, much of which is now conducted outside of the traditional Committee meeting, through for example small, informal Member working groups working collaboratively with officers and reaching out to the local community where appropriate. The progress of such work is reported back to the relevant formal scrutiny bodies.

Overall, our experiences have been positive. Our belief in our ability to support constructively the work of the Council has developed with our statutory responsibilities. We very much hope that, through our work, we will be able to enhance the democratic processes of our Council and improve the services for the people of Harrow.

Chris Mote, Chair, Overview & Scrutiny Committee
Mark Ingram, Vice-Chair, Overview & Scrutiny Committee
Alan Blann, Nominated Member of the Labour Group

1. INTRODUCTION

- 1.1 Since May 2002, scrutiny in Harrow has operated through the Overview and Scrutiny Committee and the following 5 Sub-Committees:

Environment & Economy Scrutiny Sub-Committee
Health & Social Care Scrutiny Sub-Committee
Lifelong Learning Scrutiny Sub-Committee
Strengthening Communities Scrutiny Sub-Committee
Call-in Sub-Committee

- 1.2 The membership of the above bodies in 2002-03 is set out in Appendix 1.
- 1.3 The 4 Scrutiny Sub-Committees were established with remits designed to reflect the structure of the Council's Partnership whilst the Call-in Sub-Committee provides a process to enable scrutiny to meet its statutory responsibility of holding the Executive to account. The terms of reference of all the above standing scrutiny bodies can be found in the Council's Constitution which is available on the Council's website (www.harrow.gov.uk)
- 1.4 The Overview and Scrutiny Committee has 5 scheduled meetings a year whilst the 4 service based Sub-Committees meet quarterly. Meetings of the Call-in Sub-Committee are held on an ad hoc basis. The formal meetings of scrutiny bodies are generally held in public although the facility exists to consider confidential information in private.
- 1.5 In Harrow, scrutiny's responsibilities fall into the following broad areas:
- Policy review and development
Consideration of statutory plans and the budget
Performance management and internal/external audit reports & inspections
Holding the Executive to account.
- 1.6 Whilst some of the work of the scrutiny bodies continues to be conducted through the traditional Committee meetings, a considerable part of the work (for example on policy reviews) is now carried out in informal meetings between Members, officers and, where appropriate, stakeholders and external partners. We regularly report back to our parent bodies on the progress we are making on any such work.

2. HOW HAVE WE DONE?

- 2.1 This first year of operation under the new democratic structure has been a challenging one for us all. Overall we believe that we have made a positive start to operating under the new arrangements although our experiences have identified some signposts for improvement. Some of the latter are within our own control but others will be dependent upon Council or Executive decisions.
- 2.2 For the first part of the year we concentrated on devising and developing our work programme, which we submitted to Council in September 2002 and then followed, as far as possible, over the remainder of the year. We are satisfied with our outputs given the timeframe to which we were operating. Our work programme for 2003-04 (Appendix 2) has been drawn up in sufficient time to provide us with a full year in which to conduct our work.
- 2.3 We have considered statutory plans and the budget proposals before their submission to full meetings of the Council for approval and fed in our views to the Executive or Council on particular issues as appropriate. We acknowledge that we were not sufficiently prepared, or indeed, resourced to consider the budget proposals as fully as we would have wished. We have, therefore, included a review of the budget processes in next year's work programme as we see this as an opportunity to review the Council's strategic approach to the formulation of its future budgets. We have also exercised our responsibility to hold the Executive to account in other ways, including questioning portfolio holders and senior officers at our meetings and through the deliberations of the Call-in Sub-Committee and the regular monitoring of the Council's Forward Plan, undertaken through the Overview and Scrutiny Committee's Information Circular.
- 2.4 We have devoted a considerable amount of our time to fulfilling our performance management role through the consideration of Best Value reports and Action Plans and internal/external audit reports and inspections. The District Audit review of our democratic renewal processes commented on the good practice reflected in the interface between the scrutiny function with internal and external audit and scrutiny's robust role in reviewing reports from all appropriate inspection agencies. It also commented on the effective mechanisms in place to prevent conflicts and overlaps between Best Value and scrutiny.
- 2.5 Our review programme for our first year of operation under the new arrangements has been challenging. The range of issues tackled by scrutiny bodies has been extensive and has varied in terms of depth, external input, methodology and potential outcomes. We have, however, successfully developed a common approach to our scoping procedure which seeks to identify, at the outset, an agreed methodology for each review although we are now developing further our project planning and management techniques. Much of our review work has taken place, in collaboration with officers, through informal Member working groups which have, where appropriate, involved our partner bodies as well as the general public. We would now like to start looking at an increased public involvement in scrutiny and hope that the recent publicity given to the work of scrutiny, through for example the Harrow People, will help generate further interest. We comment on this further later in this report.

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- 2.6 The review work has, possibly, been the most challenging for us as Members. We have undertaken a number of in-depth reviews through which we have learnt much about how the Council operates and how it is perceived by our residents and staff. We suspect that this is an opportunity which we would have been unlikely to have had when operating through the more traditional Committee system. We believe that those we met welcomed the opportunity to enter into real debate with us as their elected representatives. To function effectively we have had to develop new skills and indeed anticipate that this learning will be an on-going process.
- 2.7 We also found that conducting reviews took far more of our time than originally anticipated. Those of us who have been fortunate enough to be involved in any in-depth review work have, however, found the experience to be satisfying, if demanding, and look forward to our recommendations being fully and favourably considered by the Executive.
- 2.8 We have been highly fortunate in receiving tremendous support for our review work from both Central and Departmental staff. This work has often been undertaken in addition to normal workloads, for which we are most grateful. We believe, however, that such arrangements are far from ideal in terms of our own requirements and comment on this further below.
- 2.9 We have continued the good practice of working collaboratively across party lines on scrutiny issues and believe that this approach, which allows us to focus objectively on the key issue of improving services for our users, is of enormous benefit to the Council and our residents. We have also kept in mind the potential for cross-cutting work on appropriate issues and anticipate this becoming increasingly important with the development of the New Harrow Project and the move to area based services.
- 2.10 It is too early for us to evaluate the impact of our work since, at the time of writing this report, the majority of the recommendations from our reviews had still to be considered by the Executive. We look forward to receiving the requested responses and intend to be following these up appropriately. To this end, we are making provision in our work programmes to consider the responses received and to monitor, at appropriate times, the progress made towards implementing adopted proposals.

3. SIGNPOSTS FOR IMPROVEMENT

- 3.1 Whilst, overall, we believe that Harrow's scrutiny function has developed considerably over the last year, we are conscious that considerable opportunities exist to develop beyond the issues mentioned above.
- 3.2 Key amongst these are for us, as scrutiny members, to be far more robust in prioritising our own workloads given the very limited resources which we have available and to ensure that, as far as possible, our priorities reflect the needs of both the Council and the public as a whole. To maximise the value which scrutiny brings to the Council, we have now adopted some guiding principles and key criteria to help us formulate future work programmes.
- 3.3 Our early experiences have highlighted the need for the Council as a whole to be clearer about the role which it would like scrutiny to fulfil. We will, accordingly, be looking at seeking agreement to the adoption of a protocol to cover scrutiny's role and future working processes. We believe that such a protocol would help in conveying the commitment which we believe the Council must give to the scrutiny function to enable us to be effective in our jobs and reinforcing the importance of giving the work of the statutory scrutiny function an equal priority to that of Cabinet.
- 3.4 One barrier to effective performance identified by almost all scrutiny bodies is that of insufficient resources in terms of officer support. We have, since October, benefited from a dedicated support officer post and are looking forward to welcoming a further new scrutiny officer in the autumn. However, we are conscious that this additional support will still leave Harrow's scrutiny function very poorly resourced when compared with other London authorities as indicated in the 2002 survey results (Appendix 3), since when, of course, the enormous, and important, new function of the scrutiny of local health services has been added to our responsibilities. Information available from the Greater London Association of Directors of Social Services shows that Harrow is not alone in struggling to keep up with this additional responsibility, which so far has yet to be resourced by central government although some local authorities are known to have created additional posts to meet this new and undoubtedly significant area of work. We see additional research and administrative support, together with an ability to purchase additional external input to our work, as being essential to our effective functioning.
- 3.5 In addition to the need for officer support, our review programme has highlighted the potential for some reviews also to be highly resource intensive in relation to Member input. We have established the principle that non-Executive Members who do not serve on the relevant scrutiny body may nevertheless serve on a review group and have been grateful for the support that we have received in this way. We strongly believe that this is the right way forward for scrutiny as it accesses the particular expertise and interests of individual Councillors whilst also providing additional capacity for hard-pressed scrutiny Members. Indeed we feel that this principle can be extended to develop external input to our processes and are, accordingly, piloting a process next year where two members of the public are being co-opted to a review group on a voluntary and non-voting basis. An assessment of the outcome of this pilot will be included in next year's annual report
- 3.6 Some signposts for improvement, such as tapping into the wealth of experience and good practice developed by other Authorities and proactively looking to increase public input, are areas which we can develop independently. We will be looking to address such issues over the coming year. Others, however including our need for increased resources and the importance of greater clarity across the organisation as a whole as to the importance and role of the scrutiny function are matters which the Council itself will need to address.

4. OVERVIEW AND SCRUTINY COMMITTEE

- 4.1 Key areas of work undertaken have been the consideration of the Best Value Performance Plan and the budget proposals, consideration of audit and inspection reports and action plans, and monitoring Best Value performance indicators (PIs). With regard to the latter, we have begun to consider how we can best use the PIs to support our performance monitoring role. The Portfolio holder and the Chief Executive both attended the meeting which considered the budget proposals.
- 4.2 Our review work has centred on a review of the Council's proposals for implementing e-government and the organisation's cultural preparedness to implement the necessary changes by the Government's deadline of December 2005. As a Committee, we have looked at different models for conducting scrutiny reviews and piloted the use of an external facilitator to support the small group of Members undertaking this review. We found the advice and guidance of the IDeA, whom we commissioned to act in this capacity, highly constructive, particularly in developing the scope of the review and opening up fresh ways for us to gain insights to the operation and culture of the Authority.
- 4.3 The report of the group 'Take a Chance on e' was endorsed by the full Committee and is due to be received by Cabinet in May 2003. Some of the lessons learnt from that review are highlighted within this report although others are still being assessed. Although our learning experience is continuing, we have already rolled out some of our findings through the development of a far more rigorous scoping process.
- 4.4 The second area identified for review last year was the performance of the Housing Benefit section. An initial analysis and subsequent discussion with the Head of Service and the Housing Benefit Manager led the review group to conclude that there were a number of critical developments and challenges facing the section over the next few months. Whilst many of these key factors are a result of external pressures, particularly Central Government initiatives, the group felt that they nevertheless contributed to the potential risks to the service and, accordingly, agreed to keep a watching brief on the performance of the section pending the forthcoming presentation of the Benefit Fraud Inspectorate's report.
- 4.5 Our work programme for 2003-04 is again demanding and will include the four broad elements set out in the introduction to this report. Our in-depth reviews will be focusing on the New Harrow Project and the process for formulating the budget. We feel that it is absolutely essential to review the New Harrow Project, both in relation to the South Harrow Pilot and holistically since it underpins the whole of the future direction of the Council. We are, therefore, currently intending to produce the report in two stages. Our review of the budget process is, again, focusing on an area which we believe to be of fundamental importance to the Council. The scope for this review has yet to be determined although the option of the review including an examination of the relationship between the budget process and performance monitoring and corporate planning, is currently being considered.

COMMITTEE STATISTICS	
Committee meetings	5
One off Working Group meetings	1
In-depth reviews	2
Review meetings	12
Visits/informal meetings	-
Attendance by Portfolio Holder	1
Statutory items considered	1

Chris Mote
Chair, Overview and Scrutiny Committee

5 ENVIRONMENT AND ECONOMY SCRUTINY SUB-COMMITTEE

- 5.1 This report covers the initial year of the expanded Overview and Scrutiny Committee. We have inevitably been on a steep learning curve over the year with the consequence that progress on some of the reviews has been slower than we would have hoped. It should also be noted some of the regular reports and statutory plans such as the Local Implementation Plan and Best Value review of Planning Services were delayed and are for consideration in 2003/4. In common with all budget issues other than those affecting education matters (where there is a statutory right for voluntary aided sector and parent governor members to be involved), the Housing Revenue Account for 2003/4 was considered by the main Committee.
- 5.2 During the year we considered a number of referred issues. The removal of asbestos roofs on garages was referred to us by the Tenants' and Leaseholders' Consultative Forum. The problems were examined and several recommendations were made to ensure that Health and Safety legislation is adhered to in all future Housing Department Contracts of this nature.
- 5.3 We also received a report outlining proposals to tackle empty homes in the borough and bring them back into occupation, which would form Harrow's strategy for Empty Homes. It was noted that Harrow was third best in London and that it should improve once steps had been put in place to improve performance in the Council sector. We requested that the Portfolio Holder should investigate the release of funds from council house sales for investment in housing and additional capital funds have been allocated for empty homes in 2003/04.
- 5.4 The annual report of Brent and Harrow Trading Standards was reported to us for information and noted.
- 5.5 During the year we also undertook two key areas for review, both of which are still ongoing.
- 5.6 The small working group looking at consultation undertaken on highway and transportation schemes considered the public consultation procedures for all areas of work. It agreed that the review should concentrate on Controlled Parking Zones (CPZs) but also look at Cycle networks, Traffic Calming and Local Safety Schemes. It was felt that all other areas had little scope for genuine consultation. A joint meeting of the Sub-Committee and the Transport and Road Safety Advisory Panel was held on CPZs where good practice in other boroughs was noted and suggestions for improvements were identified. Meetings with residents and staff within Highways and Transportation are scheduled. Once these are completed, a report with recommendations will be drawn up and reported to the Sub-Committee at the September 2003 meeting.

- 5.7 Our second review is focused on the development of Harrow's waste management strategy. We commenced with a meeting to review policy and performance data on Harrow's Waste Management and the Mayor of London's Draft Waste Strategy. In order to obtain an overview of waste management, we decided to adopt an innovative approach and arranged for presentations on policy at National, Greater London Authority, West London Waste Authority and Harrow level to be given at a seminar by speakers from these organisations. The session proved informative and the speakers were questioned by scrutiny and other Members. The information gathered at

COMMITTEE STATISTICS	
Committee meetings	4
One off Working Group meetings	-
In-depth reviews	2
Review meetings	4
Visits/informal meetings	-
Attendance by Portfolio Holder	-
Statutory items considered	-

this seminar has led to a discussion paper which, together with the views of Harrow Agenda 21 and Council staff, will form the basis of the report and recommendations to a future meeting of the Sub-Committee.

- 5.8 The first part of 2003-04 will see the completion of the reviews on Consultation on Highway Schemes and the Development of the Waste Management Strategy. In addition to this ongoing work, we are intending to consider a short report on the influence the Council has on transport providers together with a briefing note on Housing loans and grants, with a view to determining whether a full review should be undertaken on the latter.
- 5.9 We will, of course, also consider any Statutory Plans, Regular Reports and other matters referred for consideration.

Alan Blann
Chair, Environment and Economy Scrutiny Sub-Committee

6. HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE

- 6.1 The year 2002/03 was the first full year of the Sub-Committee's activity. As many Members and Officers were new to this area of activity, it has been a period of learning both about the scrutiny process and in more depth about how the council and its partners operate on the ground.
- 6.2 From January 2003 the Council's power to scrutinise the NHS has been delegated to the Committee and this is the most significant development within the year.
- 6.3 Unlike the traditional committee arrangement we quickly identified that the relationship with officers is based much more on mutual collaboration and working together rather than the transitional and more formal 'reporting' role.
- 6.4 We have also quickly learnt that our activity is constrained by the limited resources that both Members and officers can allocate to the committee's work. To be successful we believe that the scrutiny process requires Members to move out from behind the committee table and actively engage with staff, service users, and partner agencies. This requires time, background support and organisation and we believe the Council must address this to be able to achieve real value from the scrutiny function.
- 6.5 We are grateful for the support of officers at all levels in the Council, our colleagues in the NHS and local voluntary organisations.
- 6.6 Broadly the year's work has comprised two different activities: the scrutiny of reports undertaken by external bodies on the Social Services Department and the scrutiny reviews undertaken by Members.
- 6.7 The former has covered a wider range including the annual appraisal by the Social Services Inspectorate of the Social Services Department on which the star rating of the Department is largely based. We have considered the findings of this and the performance management reports and have made comments and suggestions both formally and informally to the Executive. For example, the lack of investment in the Social Services IT system and concerns regarding manual data collection were highlighted.
- 6.8 Specific reports on activity and external inspection/review include:
- Social Services Inspectorate Appraisal
 - Internal and External Audit Reports on Learning Disability, Asylum Seekers, Older People
 - Safeguarding Children's Inspection
 - Best Value Review of Adaptations
 - Departmental Complaints Annual Report
- 6.9 The two scrutiny reviews undertaken considered taxicards and other travel concessions and a review of the Council's direct and indirect services to carers.
- 6.10 The Travel Concession review has yet to complete its work as, shortly after its initiation, the Mayor of London announced changes to the scheme and we considered it inappropriate to continue until these changes have been implemented.

- 6.11 The carer's review was a major piece of work undertaken by 3 Members supported by 3 officers. Sixteen meetings with Council staff, voluntary Sector workers and, above all, carers enabled the Review to obtain a comprehensive understanding about this service, what is working and what is not. Our report will be presented at the next Sub-Committee meeting. The highlight of this activity was Members meeting with over 80 carers which provided a unique opportunity for a 2-way exchange of ideas and views.
- | COMMITTEE STATISTICS | |
|---------------------------------------|-----------|
| Committee meetings | 5 |
| One off Working Group meetings | - |
| In-depth reviews | 2 |
| Review meetings | 20 |
| Visits/informal meetings | 5 |
| Attendance by Portfolio Holder | 1 |
| Statutory items considered | - |
- 6.12 The proposals from Bedfordshire and Hertfordshire Strategic Health Authority for the future of the cancer and others services at the Mount Vernon and Watford General Hospitals gave the Sub-Committee the first opportunity to use its powers to call witnesses and gather evidence on a proposed change to a health service. We welcomed the North West Strategic Health Authority's decision to undertake a separate consultation exercise on the cancer services at Mount Vernon Hospital and feel that this is certainly a step in the right direction in providing local authorities in the north west of London, the Community Health Councils and local people the opportunity to examine and put forward their views on this important local issue.
- 6.13 Our consideration of the proposals for services at Mount Vernon will be continuing in 2003-04 and will form a major element of our work programme. We will want to test the viability of the changes proposed and the quality of both consultation exercises.
- 6.14 The Sub-Committee is about to commence its first scrutiny review which will directly involve both the local NHS Trusts and the Council's own services. It will focus on the discharge of people in acute beds and elderly care beds in hospitals which is a topic of concern for central government, local authorities, health bodies and users.
- 6.15 When complete our current intention is to move on to reviewing the equity of access to general practitioner services. It is unlikely that Members or officers will have the necessary resources to complete any further health-based reviews in the year.
- 6.16 The Sub-Committee will also continue to review the work of the Council's Social Services Department as it transfers into the new 'People First' Directorate. We will wish to monitor the impact on performance, but perhaps more importantly, look for evidence of the gains that should be achieved from the cross-boundary working that the changes are designed to promote.

Marie-Louise Nolan
Chair, Health and Social Care Scrutiny Sub-Committee

7. LIFELONG LEARNING SCRUTINY SUB-COMMITTEE

- 7.1 2002-03 has been a very active first year for the Lifelong Learning Scrutiny Sub-Committee during which time we have established a variety of approaches for carrying out our responsibilities. Our work has included undertaking two in-depth reviews of service areas, the consideration of statutory plans and the budget, the examination of performance issues, and questioning of the Portfolio Holder.
- 7.2 Our in-depth reviews looked at Healthy Life-Styles in Schools and the Distribution of Statements across Schools. In each case we established a cross-party working group to consider available evidence and to seek further information from officers and by visits to schools where it was extremely helpful talking to teachers and especially students, whose comments were reflected in the final report. Both reviews were concluded within the municipal year and the review groups' reports were received at the meeting of the Sub-Committee in April 2003.
- 7.3 Each review led to a range of recommendations which were passed to the Portfolio Holder for Education and Lifelong Learning or to officers for following up. Our findings and recommendations included the following:
- There were examples of good practice in relation to healthy life-styles in all schools visited and significant benefits from the Healthy Schools schemes.
 - Specific recommendations were made in relation to free school packed lunches, availability of water, involvement of parents and governors, resources for school nurses and extension of existing good provision.
 - The distribution of SEN Statements was not unreasonable and many schools have dealt well with aspects of special educational needs.
 - Specific recommendations were made in relation to the timely arrival of SEN resources and equipment, the possible extension of Parent Partnership, the training and pay of learning assistants, and opportunities for schools to share good practice in the area of SEN.

- 7.4 Our scrutiny of Core Education Strategies and Plans has included the Education Service Review, the Cultural Strategy, the Annual Library Plan, the Early Years Development and Childcare Plan and the LEA Inspection Action Plan. We looked at the Early Years Development and Childcare Plan in a pilot two stage process, with a small sub-group of Members initially

COMMITTEE STATISTICS	
Committee meetings	6
One off Working Group meetings	2
In-depth reviews	2
Review meetings	8
Visits/informal meetings	5
Attendance by Portfolio Holder	2
Statutory items considered	3

working closely with officers on the details contained in the plan followed by a further discussion at the Sub-Committee. We believe that this worked particularly well and anticipate rolling out this process to other areas of our responsibilities, as appropriate. With regard to the other plans, we recommended a more streamlined document for the scrutiny of the Education Service Review in future and have decided to become involved

with the development of the Annual Library Plan at an earlier stage in future. The LEA Inspection Plan was monitored at three meetings before it was signed off with all of the key actions having been completed.

- 7.5 Over the year, the Portfolio Holder attended two of our meetings to answer questions on the Education Service Review and the 2003-04 Budget proposals.
- 7.6 Other issues which we considered during the year included the 2003-04 Budget proposals and provision at the Harrow Tuition Service for pupils excluded from school. The Mayor reported on his visit to the Harrow Tuition Service and the positive developments he had observed.
- 7.7 In addition, we arranged a very well-attended training session for Members and officers involved in the scrutiny process. The session focused on the variety of approaches which Members could use in their scrutiny role and the ways of ensuring that they obtained the kind of information that would assist them in their work. The outcomes of the training have influenced the planned programme for the Sub-Committee during 2003-04.
- 7.8 We are very grateful for the support which we have received from officers, particularly in relation to our reviews. As noted elsewhere in this report, however, we wish to be in a position whereby we have access to the adequate dedicated administrative, and research, resources which we consider essential for us to function at maximum effectiveness.

Mitzi Green
Chair, Lifelong Learning Scrutiny Sub-Committee

8. STRENGTHENING COMMUNITIES SCRUTINY SUB-COMMITTEE

8.1 The work of this Sub-Committee over the past year has focused on two main areas:

Building up a picture of the needs and issues of concern of the community and voluntary sector agencies that serve the people of Harrow; and

Ensuring that in the area of Strengthening Communities, the Council is meeting its statutory obligations

8.2 As part of our community and voluntary sector work, we have had presentations from the Harrow Association of Voluntary Service and the Harrow Association Of Disabled People. In addition, as Chair, I have met informally with a cross section of community and voluntary sector agencies in order to further identify their needs. As a result of these meetings, a report was produced for the April meeting which highlighted the issues raised and was presented for consideration for the Sub-Committee to inform its work programme for 2003/4. The main issues raised by the groups include:

- The role of the voluntary sector in partnership working
- The methods of Council consultation
- The need for support to the voluntary and community sector in fund raising
- The need for specialist skills to be made available to the voluntary sector, for example, community accountancy support, legal expertise, IT troubleshooting, procurement.
- The need to strengthen the local Council of Voluntary Service (HAVS) and the sector as a whole.
- Provision of services for the elderly and for after school activities.
- The need for elected members to be aware of the work of the voluntary service and how this supports Council activities. There is a need for a 'champion' for the voluntary sector.
- The role of Residents' Panel and its reflection of the Harrow community.
- Community involvement in the New Harrow Project.
- Although it was acknowledged that the Council had made progress in meeting the needs of ethnic minority communities, more targeted work was needed with specific communities.

8.3 In line with the Council's statutory duties, we have received reports on the Crime and Disorder Reduction Strategy 2002-5; the Youth Justice Plan, Health & Safety and Domestic Violence. On the latter, a reference was made to Cabinet indicating our support for the creation of a full time permanent Domestic Violence Officer post.

COMMITTEE STATISTICS	
Committee meetings	4
One off Working Group meetings	-
In-depth reviews	-
Review meetings	-
Visits/informal meetings	2
Attendance by Portfolio Holder	-
Statutory items considered	-

8.4 We have also been monitoring the development of the Harrow Strategic Partnership, paying particular attention to ensuring that membership of the Partnership is reflective of the community and includes representation from the voluntary sector.

- 8.5 Another area of interest has been the proposed closure by the Greater London Magistrates Court Authority (GLMCA) of the Harrow Magistrates Court. The Sub-Committee has been unanimous in its support to the Magistrates Court in retaining the local facility in order to promote the efficient administration of local justice.

Keeki Thammaiah
Chair, Strengthening Communities Scrutiny Sub-Committee

9. CALL IN SUB-COMMITTEE

- 9.1 The Call-in Sub-Committee was established by the Overview and Scrutiny Committee to carry out the function of holding the Executive (the Cabinet and individual Portfolio Holders) to account.
- 9.2 The role of the Sub-Committee is very specific: it examines Executive decisions which have been taken but not implemented, and which have been “called in” by any six of the Members of the Council and the voting co-opted members of the Lifelong Learning Scrutiny Sub-Committee. The Sub-Committee does not re-take the decisions but seeks to ensure the probity of the decision-making process by reviewing them with an open mind and an impartial approach. For example, the Sub-Committee may consider whether:
- the action decided upon was proportionate to the desired outcome
 - there was adequate evidence on which to base the decision
 - the decision was in accordance with the budget and policy framework
 - there was adequate consultation with stakeholders prior to the decision
 - there was sufficient consideration of legal and financial advice
- 9.3 If the Sub-Committee has concerns about the way in which a decision was made, it can ask the Executive to reconsider the decision.
- 9.4 Once a decision is called in, the Call-in Sub-Committee is required to meet within seven clear working days. Meetings of the Sub-Committee are therefore ad-hoc. The Sub-Committee has met three times in 2002/03 and examined decisions relating to a wide variety of service areas.
- 9.5 At its first meeting, the Sub-Committee considered a decision of the Environment and Transport Portfolio Holder relating to a CPZ. The Sub-Committee received four deputations from members of the public, heard from a Ward Councillor representing the Members who had called in the decision, and also considered the views of the Portfolio Holder and officers. In light of concerns about the clarity of the consultation process, the Sub-Committee decided to refer the decision back to the Portfolio Holder for re-consideration.
- 9.6 At its following meeting, the Sub-Committee considered a decision of the Cabinet on affordable housing policy. On that occasion, however, the Sub-Committee rejected the grounds for call-in and agreed that the decision could be implemented straight away.
- 9.7 At its last meeting, the Sub-Committee considered five Cabinet decisions, all of which had been called-in on the same grounds arising from the late tabling of reports at the Cabinet meeting. Two of the call-ins were subsequently withdrawn and the grounds for the other three call-ins were rejected. The Sub-Committee did, however, request that a protocol on the acceptance of late Cabinet reports be drafted between the Group Leaders to mitigate such problems in the future. Work on this is on-going.

COMMITTEE STATISTICS	
Call-In meetings held	3
Decisions considered	7
Decisions referred back to Executive	1
Decisions upheld for implementation	4
Call-Ins withdrawn	2

- 9.8 A protocol has been drawn up which sets out the way in which the meetings of the Call-in Sub-Committee will be conducted, and the Sub-Committee has agreed to operate the protocol informally for a few meetings before deciding whether to formally adopt it.
- 9.9 The Call-in Sub-Committee will continue to impartially examine Executive decisions in 2003/4, as and when required.

Mark Ingram
Chair, Call in Sub-Committee

10. CONCLUSION – THE WAY AHEAD

- 10.1 Overview and Scrutiny continues to develop and change. Indeed, it is essential that we remain open to change in order to respond to the Council's needs and to develop our own processes to reflect the new structure being put into place for the authority. Considerable changes are likely over the coming year as the New Harrow Project becomes truly embedded within the Council's culture and it is essential that scrutiny monitors the forthcoming changes and remains alert to their implications.
- 10.2 Equally important for both scrutiny and the Council as a whole is the implementation of the Action Plan responding to the CPA/IDeA reports. Whilst we are satisfied that mechanisms have been put in place for this to be monitored both at officer and Cabinet levels, we are highly conscious of our responsibility to satisfy ourselves that the Executive is fully and properly addressing this issue.
- 10.3 Both the scheduled reviews of the Overview and Scrutiny Committee have been prioritised to support the Council in this period of change. We intend to keep our guidelines and criteria for formulating our work programme under review to further improve our deliberations next year.
- 10.4 Other signposts for improvements will be the strengthening of our processes for holding the Executive to account by paying more attention to monitoring the forward plan and to the rigorous questioning of Portfolio Holders, developing further our project and resource planning systems to achieve greater effectiveness, continuing to pilot different and appropriate ways of working, and maintaining the very positive and collaborative working arrangements which we have enjoyed to date. We also intend to continue developing our own scrutiny practices and skills and to be supporting any members who may be newly appointed to the scrutiny function next year.
- 10.5 On the wider front, resources permitting, we will be looking to develop the outward facing role of scrutiny by further increasing external input into our work, where appropriate, from partners, stakeholders and the general public. External scrutiny, notably of local health services, will be one potential avenue for external involvement, and the pilot health review of delayed hospital discharges will undoubtedly be a significant challenge, particularly given the absence of any additional resources. We will be looking for improvements on the issue of resourcing the scrutiny function, as we are firmly of the opinion that we are currently unable to fulfil our responsibilities as we would wish.
- 10.6 We expect that the demands of 2003-04 will be at least as challenging as those we faced last year but are determined to continue to contribute to the development of Council policy and the democratic processes to the best of our abilities within the resources available to us.

APPENDIX 1

MEMBERSHIP OF SCRUTINY BODIES 2002-03

(IV) OVERVIEW AND SCRUTINY COMMITTEE (11)

	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrats</u>
	(6)	(5)	(0)
<u>I. Members</u>	Blann Mitzi Green Ann Groves Ingram (VC) Marie-Louise Nolan Thammaiah	D. Ashton Miss Bednell C. Mote (CH) Osborn Silver	
<u>II. Reserve Members</u>	1. Gate 2. Kinsey 3. Choudhury 4. Omar 5. Nana Asante 6. Lavingia	1. Seymour 2. Jean Lammiman 3. Myra Michael 4. Mrs Champagnie 5. Mary John	

[Note: The Chair of each of the four substantive Scrutiny Sub Committees is an ex officio member of the Overview and Scrutiny Committee].

(CH) = Chair
 (VC) = Vice-Chair
 * Denotes Group Members for consultation Executive Action and/or on administrative matters.

SCRUTINY SUB COMMITTEES**(Membership in order of political group nominations)****Labour****Conservative****Liberal
Democrats****Independent****(1) ENVIRONMENT AND THE ECONOMY SUB COMMITTEE (7)****(4)****(3)****I.
Members****Blann (CH)
Ingram
Kinsey (VC)
Lavingia****Mrs Kinnear *
Janet Mote****Williams****II.
Reserve
Members****1. Gate
2. Marie-Louise Nolan
3. Thammaiah
4. Ismail****1. Arnold
2. Billson
3. Seymour****(2) HEALTH AND SOCIAL CARE SUB-COMMITTEE (7)****(4)****(3)****I.
Members****Mitzi Green (VC)
Ismail
Marie-Louise Nolan (CH)
Thammaiah****Mrs Champagne
Myra Michael
Silver *****II.
Reserve
Members****1. Blann
2. Lavingia
3. Nana Asante
4. Ingram****1. Anjana Patel
2. Mrs Joyce Nickolay
3. Jean Lammiman**

(3) LIFELONG LEARNING SUB-COMMITTEE (11)

(5) (5) (1)

**I.
Members**

Nana Asante
Gate
Mitzi Green (CH)
Marie-Louise Nolan
Omar

Miss Bednell * (VC)
Mary John
Jean Lammiman
Versallion

Branch**Williams****II.
Reserve
Members**

1. Kinsey
2. Thammaiah
3. Lavingia
4. Ismail
5. Ingram

1. Janet Mote
2. Vina Mithani
3. John Nickolay
4. Osborn
5. Anjana Patel

1. Thornton

Voting Co-opted Members:

- (1) Two representatives of Voluntary Aided Sector
- Mrs J Rammelt/Reverend P Reece
- (2) Two representatives of Parent Governors (2 year appointments 2001-2003):-
Mr H. Epie (Primary)/Mr R. Sutcliffe (Secondary)

(4) STRENGTHENING COMMUNITIES SUB-COMMITTEE (7)

(4) (3)

**I.
Members**

Nana Asante
Ann Groves
Omar
Thammaiah (CH)

Janet Cowan
Vina Mithani
Seymour (VC) *

**II.
Reserve
Members**

1. Ismail
2. Choudhury
3. Ingram
4. Gate

1. Anjana Patel
2. Osborn
3. Kara

(5) CALL-IN SUB-COMMITTEE (5)

(3) (2)

**I.
Members**

Mitzi Green
Ann Groves
Ingram (CH)

Miss Bednell (VC)
C Mote

**II.
Reserve
Members**

1. Marie-Louise Nolan
2. Blann
3. Thammaiah

1. Osborn
2. Seymour
3. Versallion

(CH) =

Chair

(VC) =

Vice-Chair

* Denotes Member for Consultation on Executive Action and/or administrative matters

APPENDIX 2

SCRUTINY WORK PROGRAMME 2003-04**1. OVERVIEW AND SCRUTINY COMMITTEE****1.1 Policy development and review****Scrutiny Reviews:-**

- Review of Budget Processes (from May to September 2003)
- Review of the New Harrow Project in two stages: evaluation of the South Harrow Pilot (from May to September 2003) and review of the New Harrow Project as a whole (from September 2003 onwards)

Other items:

- IEG3 Statement (provisional)

(NB: The Committee may also identify items from the Forward Plan for pre-decision scrutiny)

1.2 Consideration of statutory plans and the budget

- Corporate Plan
- Best Value Performance Plan
- Civic Budget 2004/05

1.3 Performance management and internal/external audit reports & inspections

(NB: All reports of external inspections/assessments relevant to the Committee will be included on the Committee's Information Circular once they have been considered by Cabinet).

- Internal Audit Annual Report and Future Year's Plan
- External Audit Plan
- CPA/IDeA Improvement Plan
- Annual Audit Letter 2001/02 – Progress
- Annual Audit Letter 2001/02 – BVPP Audit Update
- Follow up of the Scrutiny Review of E-government
- Annual Audit Letter & Work Plan
- Who, How & Where We Work – Best Value Review & Action Plan
- Report back on Business Continuity Planning
- Update on the Implementation of the Improvement Plan arising from the Procurement Cross-Cutting Best Value Review
- District Audit Report – Collection and Use of Performance Information (information item)
- Financial Irregularities (information item)
- Housing Benefit and Council Tax Benefit Fraud (information item)
- Ombudsman's Annual Report (information item)
- Annual Report of the Human Resources Portfolio Holder (information item)

1.4 Other

- Annual Report on the Work of the Scrutiny Function for 2002/03 and Work Programme for 2003/04
- Annual Work Programme for the Scrutiny Function for 2004/05

The Committee will also receive verbal updates on the progress of its reviews, its work programme and the Forward Plan at each meeting.

2. ENVIRONMENT AND ECONOMY SCRUTINY SUB-COMMITTEE

2.1 Policy development and review

Reviews:-

- Review of Consultation for Highway and Transportation Schemes (on-going, to report in October 2003)
- Review of the Waste Management Strategy (on-going, to report in October 2003)

Following completion of the above reviews, reports on the following issues are to be submitted to the Sub-Committee in order to enable the Sub-Committee to decide the topic of its next scrutiny review:-

- Grants and Loans available to Owner-Occupiers, Tenants, Landlords and Developers
- The Council's Relationship with Local Transport Providers

(NB: The Committee may also identify items from the Forward Plan for pre-decision scrutiny).

2.2 Consideration of statutory plans and the budget

- Unitary Development Plan
- Local Implementation Plan (the Local Transport Plan)

2.3 Performance management and internal/external audit reports & inspections

(NB: All reports of external inspections/assessments relevant to the Sub-Committee will be included on the Sub-Committee's Information Circular once they have been considered by Cabinet).

- Your Home Your Needs BV Review & Action Plan
- Getting Around BV Review & Action Plan
- Harrow's Environment - BV Review & Action Plan
- Planning Services Best Value Review – report back on progress against Action Plan objectives with an emphasis on the points raised by the Planning Committee (information item)
- Housing Need & Supply Annual Statistical Summary 2002/2003 (information item)
- Annual Report of the Director of Trading Standards (information item)
- Annual Report on the Level/Volume of Recycling Achieved (information item)

2.4 Other

- Annual Report on the Work of the Scrutiny Function for 2002/03 and Work Programme for 2003/04
- Annual Work Programme 2004/05

The Committee will also receive verbal updates on the progress of its reviews and its work programme at each meeting.

3. HEALTH AND SOCIAL CARE SCRUTINY SUB-COMMITTEE

3.1 Policy development and review

Reviews:

- Review of Support to Carers (to report in June 2003)
- Review of Travel Concessions (on-going; further work deferred pending the outcome of a pilot scheme)
- Review of Delayed Discharges (May 2003 onwards)
- Review of Access to GPs (to be commenced upon completion of the Review of Delayed Discharges)

Responses to Consultations

- Bedfordshire & Hertfordshire Strategic Health Authority Consultation on their Hospital Reconfiguration Proposals, 'Investing in your health'
- North West London Strategic Health Authority Consultation on cancer services at Mount Vernon Hospital

Other items:

- Use of Section 31 Health Act Arrangements
- HIMP (or its successor)

(NB: The Committee may also identify items from the Forward Plan for pre-decision scrutiny).

3.2 Performance management and internal/external audit reports & inspections

(NB: All reports of external inspections/assessments relevant to the Sub-Committee are included on the Sub-Committee's Information Circular once they have been considered by Cabinet).

- NHS Local Delivery Plan
- Annual Report on Social Services Complaints
- Implementation of the NSF for Older People
- Growing Up/Youth - BV Review & Action Plan
- Caring Harrow BV Review & Action Plan
- Best Value Review of Adaptations
- Older People - BV Review & Action Plan
- Audit Commission Review of Certain Learning Disability Services – Progress against the Recommendations
- Action Plan arising from the SSI Annual Review Monitoring Letter & Star Rating
- Published Tables of the Personal Social Services Performance Assessment Framework (PAF) Indicators
- NHS Performance Rating & Recovery Action Plan
- SSI report on Services for Persons with Disabilities

3.3 Other

- Annual Report on the Work of the Scrutiny Function for 2002/03 and Work Programme for 2003/04
- Annual Work Programme 2004/05

The Committee will also receive verbal updates on the progress of its reviews, NHS 'For information' items and its work programme at each meeting.

4. LIFELONG LEARNING SCRUTINY SUB-COMMITTEE

4.1 Policy development and review

Reviews:-

- Review of Statutory Assessments and Statements of Special Educational Needs (May 2003 to January 2004)
- Review of Governor Recruitment and Retention (using a Select Committee-style public meeting)

Other items:

- Youth Service Plan (to be undertaken by a Working Group)

(NB: The Committee may also identify items from the Forward Plan for pre-decision scrutiny).

4.2 Consideration of statutory plans and the budget

- Library Position Statement (in place of the Annual Library Plan)
- Education Department Budget (including Schools' Budget) 2004/05
- Early Years Development and Childcare Strategy

4.3 Performance management and internal/external audit reports & inspections

(NB: All reports of external inspections/assessments relevant to the Sub-Committee will be included on the Sub-Committee's Information Circular once they have been considered by Cabinet).

- Review of the Implementation of the SEN Strategy
- Audit Commission Review of Certain Learning Disability Services – Progress against the Recommendations
- Early Years SEN
- The Gatsby Project – Report on Completion of Project
- Education Service Review
- 2003/04 SEN Transport Budget Reductions
- Growing Up/Youth BV Review & Action Plan
- Adult & Community Learning Inspection Report/Action Plan
- Progress Report on the Implementation of the Cultural Strategy
- Education Statutory Targets 2004 (information item)

4.5 Other

- Annual Report on the Work of the Scrutiny Function for 2002/03 and Work Programme for 2003/04
- Annual Work Programme 2004/05

The Committee will also receive verbal updates on the progress of its reviews and its work programme at each meeting.

5. STRENGTHENING COMMUNITIES SCRUTINY SUB-COMMITTEE

5.1 Policy development and review

Reports on the following issues are to be submitted to the Sub-Committee in order to enable the Sub-Committee to decide the topic of its next scrutiny review:-

- Grant Funding
- Better Government for Older People
- Community Safety Unit (Police)
- CPS and Victim Support
- Youth Crime

Other Items

- Access to Justice – monitoring the developments of the proposed closure of Harrow Magistrates' Court by the GLMCA

(NB: The Committee may also identify items from the Forward Plan for pre-decision scrutiny).

5.2 Consideration of statutory plans and the budget

- Community Strategy

5.3 Performance management and internal/external audit reports & inspections

(NB: All reports of external inspections/assessments relevant to the Sub-Committee will be included on the Sub-Committee's Information Circular once they have been considered by Cabinet).

- Safer Harrow - BV Review & Action Plan
- Support Through Funding - BV Review & Action Plan

5.4 Other

- Annual Report on the Work of the Scrutiny Function for 2002/03 and Work Programme for 2003/04
- Annual Work Programme 2004/05

The Committee will also receive verbal updates on the progress of its reviews and its work programme at each meeting.

APPENDIX 3

SCRUTINY STAFFING ACROSS LOCAL AUTHORITIES

Name of COUNCIL	Number of committees /panels	Managers FTE	Policy / research officers	Committee /clerking officers	Admin. support	Total FTEs
Bark & Dag	6	1	3	1	1	6
Barnet						
Bexley						
Brent		1	2			
Bromley	7	Generic	Generic	Generic	Generic	Generic
Camden	7	2	6	4	1	13
Croydon	5	0.2	2	2	0.1	4.3
Ealing	4	1	4	1	0.5	6.5
Enfield						
Greenwich		1	2	2		5
Hackney						
Ham & Ful						
Haringey	7	1	3	3	3	6
Harrow	6	0.4	1	0.5	0	1.9
Havering	5	1	4	0	0.5	5.5
Hillingdon						
Hounslow	5	1	2	2	1	6
Islington						
Ken & Chel	5	0.5	Depts.	Generic	Generic	Generic
Kingston						
Lambeth	6	0.4	3	2	1	6.4
Lewisham						
Merton		1	3.5		1	5.5
Newham						
Redbridge						
Richmond	5	2	0	0.4	0.1	2.5
Southwark	7	1	2	4.5	0	7.5
Sutton	5	0.3	3	1	0	4.3
Tower Ham						
Waltham F						
Wandsworth						
Westminster						
Kent C. C.						
Surrey C.C.						

Compiled by the London Borough of Croydon – November 2002

COUNCIL

23 OCTOBER 2003

COMPLAINTS AGAINST COUNCILLORS: LOCAL DETERMINATION OF COMPLAINTS REFERRED FROM THE STANDARDS BOARD FOR ENGLAND

- | | | | |
|-----|--|---------|--|
| (1) | STANDARDS COMMITTEE
7 OCTOBER 2003
- | REC. I: | Complaints against Councillors:
Local Determination of
Complaints referred from the
Standards Board for England |
|-----|--|---------|--|

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REPORT OF STANDARDS COMMITTEE

MEETING HELD ON 7 OCTOBER 2003

Chair:	* Councillor Janet Cowan	
Councillors:	* Ann Groves	* Osborn (2)
	* Harrison	* Thammaiah
	* Miss Lyne	
Independent Persons:	* Bijal Shah	† The Rt. Revd. Peter Broadbent

* Denotes Member present
(2) Denote category of Reserve Member
† Denotes apologies received

PART I - RECOMMENDATIONS

RECOMMENDATION I - Complaints Against Councillors: Local Determination of Complaints Referred from the Standards Board for England

The Standards Committee considered a report of the Borough Solicitor explaining the requirement to establish a procedure for the making of local determinations of complaints against Councillors alleged to have breached the Code of Conduct following the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003. In assisting with this process, the Standards Board for England issued guidance, which was taken into account when drafting Harrow's procedures.

The Corporate Solicitor explained how the procedure only applied to determinations which had been investigated by an Ethical Standards Officer (ESO) of the Standards Board for England (SBE) who then referred the matter back to the Standards Committee. The Hearing Panel was then required then to hear the case. The complaints procedure applied to Co-optees with voting rights and the Independent Members of Standards Committee in addition to Councillors.

Resolved to RECOMMEND: (For decision by Council)

That Council agree (1) the establishment of The Standards Committee Hearing Panel of 5 Members, to hear local determinations (comprising both the Independent Persons and one Elected Member from each of the main political parties, within the Standards Committee Membership, as now set out in Appendix 1;

(2) that the quorum for the Panel hearing a local determination be 3, including at least one of the Independent Persons;

(3) that the Panel hearing a local determination be chaired by one of the Independent Persons;

(4) that the Independent Person to fulfill the function in (3) be appointed by the Standards Committee;

(5) that Members attending a Panel be required to vote on a local determination and not be permitted to abstain;

(6) the procedure as now set out in Appendix 2.

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Appendix 1

Standards Committee Hearing Panel (5)

	<u>Independent Persons</u> (2)	<u>Labour</u> (1)	<u>Conservative</u> (1)	<u>Liberal Democrat</u> (1)
I. Members	Mrs Bijal Shah The Reverend Peter Broadbent (VC)	Harrison	Janet Cowan	Miss Lyne
II. Reserve Members	–	Ann Groves	Joyce Nickolay	Thornton

Membership Rules

(1) The membership of The Standards Committee Hearing Panel, to hear local determinations will be five persons (comprising both the Independent Persons and one Elected Member from each of the main political parties, within the Standards Committee Membership);

(2) the quorum for the Panel hearing a local determination is 3, including at least one of the Independent Persons;

(3) the Panel hearing a local determination be chaired by one of the Independent Persons;

(4) the Independent Person to fulfill the function in (3) be appointed by the Standards Committee;

(5) Members attending a Panel be required to vote on a local determination and not be permitted to abstain.

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LONDON BOROUGH OF HARROW

Dealing with the local determination of allegations made about Council members and Co-optees under the Code of Conduct

Procedure for the Standards Committee Hearing Panel

1. Introduction

This procedure will only apply to determinations made by the Standards Committee Hearing Panel where an investigation has been completed by an Ethical Standards Officer (ESO) of the Standards Board for England (SBE) and referred to the Standards Committee.

The procedure applies to complaints about the conduct of anyone who is required to sign up to and comply with the Code of Conduct as set out in Part 4 of the Council's Constitution. This includes all Councillors, Co-optees with voting rights and the Independent Members of the Standards Committee.

Where an investigation is referred to the Standards Committee by an ESO, the Monitoring Officer must ensure that the Standards Committee considers the report. The Standards Committee will meet to decide what action to take as a result of the report by way of a formal Hearing Panel which follows this procedure. Any departure from the procedure will only be possible if the legal adviser to the Hearing Panel has notified the Member who is the subject of the report of the proposed changes and the reasons for them.

For the purposes of this procedure, the person who makes the complaint about a Councillor or Co-optee will be described as the 'Complainant', and the person about whom the complaint is made will be referred to as 'the Member'.

There are a number of legal officer roles, which are required to assist the Hearing Panel to determine the matter referred by the ESO. These roles are:

1.2 The Monitoring Officer

The Monitoring Officer will ensure that the overall conduct of the matter is dealt with effectively in the interests of all parties concerned. The Monitoring Officer may also adopt the role of Reporting Officer or legal adviser to the Hearing Panel. If the Monitoring Officer assigns himself as Reporting Officer, he will ensure that the Deputy Monitoring Officer takes responsibility for ensuring the effective overall conduct of the matter and that an appropriate officer is appointed as legal adviser to the Hearing Panel.

Where appropriate, the Monitoring Officer may arrange for procedural advice to be given to a Member who wishes to make an oral representation to the Panel.

1.3 The Reporting Officer

The Reporting Officer is, in effect, the ‘prosecutor’ at the Hearing Panel. The Monitoring Officer may choose to be the Reporting Officer in any particular case, and if so, he will ensure that all other legal roles are delegated to an appropriate officer and that the Deputy Monitoring Officer takes responsibility for ensuring the effective overall conduct of the matter.

The Reporting Officer may, where appropriate, make representations to the Panel on behalf of the Complainant.

1.4 The legal adviser to the Hearing Panel

This role of this person is to

- make sure the Standards Committee understand their powers and procedures;
- make sure that the determination procedure is fair and will allow the allegation to be dealt with as efficiently and effectively as possible;
- make sure that the Member understands the procedures that the Committee will follow;
- provide advice to the Committee during the hearing and their deliberations; and
- help the Committee produce a written decision and a summary of that decision.

The Monitoring Officer may be the legal adviser to the Hearing Panel, but if so he cannot be the Reporting Officer.

2. Appointment of a Reporting Officer on receipt of the ESO’s report

Upon receipt of the ESO’s report, the Monitoring Officer will appoint a Reporting Officer. The Reporting Officer will be responsible for taking charge of providing the evidence against the Member to the Hearing Panel.

The Reporting Officer may be the Monitoring Officer, or another appropriate officer. The Reporting Officer will, if at all possible, be a Harrow Council Officer, but in appropriate circumstances the Monitoring Officer may appoint an officer of another authority, or an independent consultant with appropriate qualifications.

3. Notifying the Member and the Complainant.

Within 5 working days of receiving the ESO’s report, the Monitoring Officer will send a copy of the report to all Members of the Standards Committee, the Member and where possible and appropriate, to the Complainant. The report will, at this stage, be provided on a confidential basis, and an undertaking of confidentiality will be obtained from the Complainant, the Member, and where needed, the Standards Committee.

4. Preparing for the hearing

4.1 Obtaining a response from the Member

When notifying the Member of the complaint against him or her and providing them with the report under Rule 3, the legal adviser to the Hearing Panel will ask the Member for a written response, within fifteen working days, stating whether he or she:

- disagrees with any of the findings of fact in the ESO's report, including the reasons for any disagreements;
- wants to be represented, at their own expense, at the hearing by a barrister, solicitor or any other person;
- wants to give evidence to the Hearing Panel, either verbally or in writing;
- wants to call any relevant witnesses to give evidence to the Hearing Panel, and if so, who they are;
- wants any part of the hearing to be held in private, explaining the reasons;
- wants any part of the ESO's report or other relevant documents to be withheld from the public, explaining the reasons.

The legal adviser to the Hearing Panel will also ask the Member to advise him or her, in their response, of all those matters within the ESO's report which he or she disputes. The legal adviser to the Hearing Panel will notify the Member that the Panel has the power to refuse to hear any new areas of dispute raised at the hearing but not notified prior to it, or may adjourn the hearing to enable the Reporting Officer to respond to them.

4.2 Upon receipt of a response from the Member

The response of the Member shall be sent to the Reporting Officer as soon as the legal adviser to the Hearing Panel receives it. The Reporting Officer will forward the response of the Member to the relevant ESO, who will be invited to comment upon it within 15 working days, and specifically say whether or not he or she:

- wants to attend the hearing;
- wants to call relevant witnesses to give evidence at the hearing;
- wants any part of the hearing to be held in private (by virtue of Part VA of the Local Government Act 1972), and the reasons for this;
- wants any part of their report or other relevant document to be withheld from the public (by virtue of Part VA of the Local Government Act 1972) and the reasons for this.

5. Calling a Meeting of the Standards Committee Hearing Panel

Upon receipt of the ESO's response from the Reporting Officer, the legal adviser to the Hearing Panel will forward the responses of the Member and the ESO to the Chair of the Hearing Panel.

Although the Member, the ESO and the Reporting Officer are entitled to request that any witness be called to give evidence, the Chair of the Hearing Panel may limit the number of witnesses if he or she believes the requests of any party are unreasonable and/or that some witnesses will be repeating evidence which will be given by earlier witnesses and/or will not provide any evidence at all to help the Panel reach a decision. The Chair may also call any

additional witnesses who he or she believes would assist the Hearing Panel in reaching a decision.

The Chair of the Hearing Panel will, in consultation with the legal adviser to the Panel:

- confirm the main facts of the case that are agreed between the ESO and the Member;
- confirm the main facts of the case that are not agreed between the ESO and the Member;
- confirm which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying which parts of the hearing, if any, will take place in private with reasons; and
- request the Committee Administrator to provide this information and, subject to paragraph 5.2 below, the Agenda to everyone involved in the hearing at least 8 clear working days before the date of the hearing. (Confidentiality undertakings for receipt of the papers will be obtained from any recipients for whom the Chair considers this appropriate.)

The Agenda papers will include the following information:

- the date, time and place of the hearing;
- the summary of the allegation;
- a list of the main facts of the case which are agreed;
- a list of the main facts of the case which are not agreed;
- a note about whether the Member and/or the ESO will attend the hearing and give evidence;
- a list of witnesses, if any, who will attend the hearing and give evidence; and
- an outline of the proposed procedure for the hearing (i.e. a set of these rules)

5.2 Excluding the press and public from the Hearing Panel

The meeting of the Hearing Panel will be open to the press and public unless confidential information under Part VA of the Local Government Act 1972 and Regulations is likely to be disclosed.

The Hearing Panel has discretion to decide whether or not to exclude the press and public from the meeting if exempt information as defined in Part VA of the LGA 1972 and regulations will be discussed. Where the legal adviser to the Hearing Panel, in consultation with the Chair of the Panel, considers that the ESO's report and/or any of the written statements in response are likely to disclose exempt information and as a result it is likely that the hearing Panel will, when considering these papers, not be open to the press and public, he or she shall instruct the Committee Administrator not to provide copies of these papers to the press and public, and not to allow their inspection prior to the meeting.

6. Convening the Hearing Panel

When the initial report is received from the ESO, the legal adviser to the Hearing Panel will request that the Committee Administrator for the Standards Committee arrange for a meeting of the Panel, and, following consultation with the Chair of the Panel, indicate the preferred time, place and date of the meeting. The meeting must take place within three months from

the date that the authority receives the ESO's report. Where possible, the Hearing Panel will meet during the day and will aim to complete the hearing in one sitting (i.e. avoiding the need to reconvene on another date part way through hearing the evidence).

7. The composition and method of the Hearing Panel

The Hearing Panel shall be chaired by an Independent Member of the Standards Committee selected by the Standards Committee, or if none is appointed, by the Chair of the Standards Committee.

The Hearing Panel shall comprise 5 Members of the Standards Committee, and shall include both Independent Members. The remaining 3 places shall be filled by a member of the Standards Committee from each of the three main political groups selected by the Chair.

The quorum for the Panel shall be 3, and must include at least one Independent Member.

Where a member selected to sit on the Hearing Panel cannot attend, a reserve shall be approved by the Chair of the Panel. The reserve member shall be fully briefed about the complaint under consideration by the legal adviser to the Panel.

The Hearing Panel shall decide whether the grounds for complaint are upheld on the balance of probabilities i.e. on the evidence presented to the Panel in writing and orally (if any), it is more likely than not that the Member is in breach of the Code of Conduct.

Each member of the panel shall have one vote, but the Chair shall have a casting vote in the event of equality of votes. Abstentions will not be permitted.

The purpose of the Hearing Panel is to examine and test the evidence produced by the ESO in their report. This requires an inquisitorial approach by the Hearing Panel i.e. the need to seek information in order to establish whether or not the Member is in breach of the Code of Conduct by examining all the written evidence and questioning any relevant witnesses.

The Hearing Panel may at any time seek legal advice from the legal adviser to the Panel. Such advice will be given in the presence of the Reporting Officer and the Member, though the press, public and others present at the hearing may be excluded while this advice is given.

8. Agenda for and procedure at the Hearing Panel

The Agenda for the Meeting shall be as follows:

- Quorum
- Introductions
- Declarations of interest
- Consideration of whether to adjourn or proceed in the absence of the Member if they are not present

- Representations with reasons from the Reporting Officer and/or the Member if either consider that the hearing or any part of it should exclude the press and public under Part VA of the Local Government Act 1972, and determination of this by the Panel.
- Explanation of how the hearing will be run.

Where the panel decides that it will not exclude the press and public, the Committee Administrator shall at that point provide copies of the agenda and reports to any press and public that are present.

The procedure for dealing with the report about the Member shall be as follows, subject to the Chair of the Panel being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing:

- Examination of the reports and written representations

The Panel will examine the ESO's written report, the Member's response to it and any further response from the ESO. The Panel may ask the Reporting Officer and/or the Member questions about the contents of their reports.

If there is no disagreement about the facts, the Committee can move on to consider its findings (paragraph 9 refers).

- Examination of oral evidence

Where the facts of the case are not agreed, the Reporting Officer will be asked to make any representations to support the findings of fact in the report relevant to the areas of disagreement, by calling witnesses as agreed by the Chair of the Panel (Rule 5 refers)

Questions may be asked of the Reporting Officer at any point. The Member, the Complainant or their representatives may challenge the oral evidence being presented by directing their questions through the Chair (i.e. they may not ask questions of the Reporting Officer directly).

The Member will then be asked to make any representations to support his or her version of the disputed facts in the ESOs report, calling supporting witnesses as agreed by the Chair of the Hearing Panel (Rule 5 refers).

Questions may be asked of the Member at any point. The Complainant, the Reporting Officer or their representatives may challenge the oral evidence being presented by directing their questions through the Chair (i.e. they may not ask questions of the Member direct).

Where the Member disputes any matter in the ESO's report but which he or she has not given prior notice of his or her intention to dispute, the Reporting Officer must draw this to the attention of the Panel. The Panel may then decide:

- not to hear the fact(s) in dispute;
- to hear the fact(s) in dispute but invite the Reporting Officer to respond; or
- to adjourn the meeting to enable the Reporting Officer to investigate and report on the disputed fact(s).

- Representations on sanctions

The Member will have an opportunity to make a statement in mitigation of any sanction which the Hearing Panel may impose in the event that they find the complaint to be made out.

9. The decision of the Hearing Panel

The Hearing Panel will retire into private session to consider their findings. At any time they may return to ask for questions of the Reporting Officer or the Member, or to seek legal advice. They may find one of the following:

- That there is no evidence of any failure by the Member to comply with the Code of Conduct;
- That the Member has failed to comply with the Code of Conduct but that no action needs to be taken;
- That the Member has failed to comply with the Code of Conduct and should be:
 - censured; or
 - have his or her access to council premises and resources restricted for a period up to a maximum of three months¹;
 - be suspended or partially suspended for a maximum of three months; or
 - be suspended or partially suspended for a maximum period of three months or until such time as the Member submits a written apology or undertakes any training or conciliation specified by the Panel.

In deciding what penalty to set the Panel will consider all relevant circumstances including the mitigation statement of the Member and any guidance produced by the Standards Board for England.

The Hearing Panel will return from private session to enable the Chair to announce the decision of the Panel and the reasons for it.

A suspension or partial suspension will take effect immediately unless the Panel decides that it should take effect on some future date, for example to avoid the penalty spanning the summer recess. The starting date for the penalty must commence within six months of the hearing.

The Hearing Panel will then consider in open session whether any action needs to be taken by the authority as a result of the finding, for example reviewing any decision, policy or practice of the authority which was the subject of the breach of the Code of Conduct; any action needed to prevent or deter further breaches of the Code of Conduct or providing recompense to any person who has suffered detriment as a result of the breach.

¹ When setting this penalty the Panel must ensure that such restrictions will not unnecessarily restrict the Member's ability to carry out his or her responsibilities as an elected or co-opted member.

9.1 Costs

The Hearing Panel will not award costs of any kind to a member who successfully defends a complaint. The law does not currently give the Council the power to award costs.

10. Confidentiality and the disclosure of information

No Member of the Authority shall disclose any information he or she has obtained in the course of an investigation or as a result of this procedure unless:

- the disclosure is made to enable the Reporting Officer to carry out his or her functions, or to enable the Standards Committee to carry out its functions in relation to the matter;
- the disclosure is made to enable the appeal tribunal of the Adjudication Panel to discharge its functions;
- the person to whom the information relates has consented to the disclosure;
- the disclosure is made following receipt of a statutory requirement for disclosure;
- the information has previously and lawfully been disclosed to the public;
- the disclosure is made to the district auditor or the Audit Commission in relation to any function specified in the Audit Commission Act 198; or
- the disclosure is made in consequence of criminal proceedings

11. Appealing the decision of the Hearing Panel

Where the Hearing Panel has determined that the Member has failed to comply with the Code of Conduct, the Legal Adviser to the Panel shall inform the Member of his or her right to apply for permission to appeal against the finding to an appeal tribunal of the Adjudication Panel (of the Standards Board for England). The Legal Adviser to the Panel will also advise the Member of the deadline for submitting an appeal, along with any other relevant information.

12. Notice of findings

The legal adviser to the Hearing Panel will make a short written statement of the decision available on the day of the hearing, or if the hearing commences after 7.30pm, on the morning following the hearing.

A full written draft of the decision will be prepared on the day following the hearing, finalised in consultation with the Chair of the Hearing Panel and circulated to the Member, the Complainant (where appropriate), the relevant ESO, the Council's Standards Committee and any other authority concerned within two weeks of the hearing. The decision will follow the format recommended by the Standards Board for England.

At the same time, the Legal Adviser to the Panel Hearing shall arrange for a summary of the findings to be published in two newspapers circulating in the Council's area and on the Council's web site.

12.1 Where the Hearing Panel decide that there has been no breach of the Code of Conduct, the notice specified above shall:

- state that the Hearing Panel found the Member had not failed to comply with the Code of Conduct and shall give reasons for that finding; and
- not be published in local newspapers if the Member requests it.

12.2 Where the Hearing Panel decide that the Member has not complied with the Code of Conduct, but also decides that no action should be taken, the notice shall:

- state that the Hearing Panel found that the Member had failed to comply with the Code of Conduct, but that no action need be taken in respect of that failure;
- specify the details of the failure;
- give reasons for the decision reached; and
- state that the Member concerned may apply for permission to appeal against the determination to the President of the Adjudication Panel.

12.3 Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice specified above shall:

- state that the Hearing Panel found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached;
- specify the sanction imposed; and
- state that the Member concerned may apply for permission to appeal against the determination to the President of the Adjudication Panel.

Copies of the agenda, reports and minutes of the hearing as well as any background papers, apart from any documents or parts of documents which relate to parts of the hearing which were held in private, will be available for public inspection for six years after the hearing.

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LONDON BOROUGH OF HARROW

Meeting:	STANDARDS COMMITTEE
Date:	7 th October 2003
Subject:	Complaints against Councillors: Local Determination of complaints referred from the Standards Board for England
Key decision:	N/A
Responsible Chief Officer:	Gerald Balabanoff – Borough Solicitor
Relevant Portfolio Holder:	N/A
Status:	Part 1
Ward:	N/A
Enclosures:	Procedure for the Standards Committee Panel

1. Summary/ Reason for urgency (if applicable)

- 1.1 The Council is required to agree a procedure for making local determinations of complaints against councillors alleged to have breached the Code of Conduct following publication of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 which came into force on 30th June 2003. The Standards Board for England has issued guidance to assist Standards Committees in drawing up their procedures, and that guidance has been taken into account in the drafting of the Harrow procedure. This report outlines the proposed procedure for dealing with referrals from Ethical Standards Officers following completion of an investigation.

2. Recommendations (for decision by Council)

2.1 That the Committee recommend that Council agree

- (i) to establish a panel of 5 members comprising both independent members and one from each of the main political parties to hear local determinations;**
- (ii) that the quorum for the panel hearing a local determination be 3, including at least one independent member;**
- (iii) that the panel hearing a local determination be chaired by an independent member;**
- (iv) that the independent member to fulfil the function in (iii) be appointed by the committee;**
- (v) that members attending a panel be required to vote on a local determination and not permitted to abstain;**
- (vi) the procedure at Annex 1.**

REASON: The Standards Board for England requires all Councils to establish procedures for Standards Committees to determine referrals from Ethical Standards Officers.

3. Consultation with Ward Councillors

3.1 N/A

4. Policy Context (including Relevant Previous Decisions)

4.1 The Government has now issued the first part of the Section 66 Regulations (under the Local Government Act 2000) enabling Ethical Standards Officers (ESOs) of the Standards Board for England (SBE) to refer allegations to Standards Committees for local determination.

4.1 The Local Determination Regulations do not provide a complete framework for dealing with local determination of complaints against local councillors. The Regulations issued thus far only allow investigations completed by ESOs to be referred to local Standards Committees for a decision about whether the allegation against the councillor is made out, and if so, for the determination of the appropriate sanction. The Regulations enabling Monitoring Officers to carry out investigations themselves on references from the Standards Board for England are not anticipated until later in 2003.

5. Relevance to Corporate Priorities

5.1 No direct relevance.

6. Background Information and options considered

6.1 HLS Briefing Note 1 for the Standards Committee issued in September 2003 outlines the main points of the new Regulations. The SBE has also issued Guidance for Councils on how they should respond to the Regulations, and committee members have received this guidance. HLS Briefing Note 2 for the Standards Committee issued in September 2003 sets out the main points of this guidance.

- 6.2 Ethical Standards Officers may now begin to refer completed investigations to local Standards Committees and it is therefore important that the Council establish the procedures for dealing with any ESO investigations which may be referred to the Committee as soon as possible.
- 6.3 Once further Regulations are issued dealing with local investigations it will be necessary to add to them to incorporate rules for undertaking a local investigation, as well as a local determination.
- 6.4 The proposed procedure is attached for Members to consider. Some key points for consideration are outlined below:

6.4.1 The hearing Panel

An amendment to the Local Government Act 2003 allows delegation of functions from the Standards Committee (previously this was not legally possible).

It is recommended that the Committee agree to delegate the hearing of local determinations to a Panel, and that the Standards Committee Hearing Panel be established with a Membership of 5 (i.e. the two independent members and one member from each of the main political groups).

It is recommended that the quorum for the Panel hearing the determination should be 3, including one independent member.

6.4.2 Chairing the Panel

The Guidance from the SBE strongly recommends that the Chair of the Panel hearing the determination should be an independent member. This is designed to ensure that the Panel can be seen to be led by an impartial person. Authorities who have already prepared their procedures have adopted this advice. It is therefore proposed that the chair of the Panel will be one of the two independent members of the Standards Committee, appointed by the Standards Committee for that purpose. It is suggested that this person be appointed now and that the Chair is then nominated annually by the Committee at its first meeting following the Annual Council Meeting.

6.4.3 Voting

Members of Committees of the Council are able to abstain from decisions if they wish. The nature of any Panel meeting to hear a determination under the Code of Conduct is fulfilling a distinctly different role to that of other committees. Rather than deciding matters of policy, it is acting in a quasi-judicial manner, and as such it is not considered appropriate for members of the Panel to abstain. All members of the Panel will therefore be required to vote on a determination.

6.4.4 Preparing the case for the Panel – the role of the legal advisor.

The Guidance from the SBE necessarily covers the process for determinations in a fairly procedural way – the Panel collect all the information that people want to put before it and then the meeting is held and a determination made. However in the same way as a tribunal may seek to give direction to the manner in which a hearing will be managed there must be room for a similar level of direction in our local procedure. Indeed the Guidance states that the Panel may decide to limit the witness evidence. Thought needs

to be given to whether there is room for negotiation within the process followed locally to ensure that all relevant information is put before the Panel, but in the most effective and efficient way. It is therefore proposed that the Chair, with assistance from the legal advisor to the Panel will provide a clear framework for the hearing as proposed in Paragraph 5 of the proposed procedure.

6.4.5 Confidentiality

The Regulations add some additional categories of exempt information to Schedule 12 of Part V of the Access to Information rules, however it is important to note that the guidance from the SBE is that the starting point for all hearings is that they should be held in public session. Provision exists for part of the hearing to be held in private if necessary, and the deliberations of the Panel may also be in private. The procedure requires the ESO and/ or the member who is the subject of the allegation to make a request for a private hearing or for certain documents to be withheld from the public, and the procedure requires such a request to be accompanied by a reason set out in that schedule. The legal advisor to the Panel will advise the Chair on the validity of any such requests, and the Panel will have the final say in cases of disagreement.

6.4.6 Appeals

Appeals against the determination and any sanction imposed by the Panel must be made to the Adjudication Panel of the SBE. In such circumstances the Panel will assist the President of the Adjudication Panel in the preparation of information as requested. Whether to appeal is a matter for the Member concerned, but it is recommended that if requested, Harrow Legal Services provide general advice to any member considering this action. Again this advice will not amount to representation for the Member, but will be designed to assist in producing an efficient outcome and minimising any adverse impact on the authority.

6.4.7 The remit and allocation of responsibilities between legal officers.

There are a number of roles for legally qualified officers within the local determination procedure.

First, that of legal adviser to the Panel. This person may be the Monitoring Officer or a person appointed by him. The SBE recommend that the Monitoring Officer should be the legal adviser to the Panel. Their role is to ensure the Panel is appropriately advised throughout the process. This includes the need to ensure all papers from both parties are received and in proper order, assisting the Chair to distil the areas of disagreement between the parties, and advise on any ruling relating to which, if any, parts of the meeting or documentation should be withheld from the press and public.

Second that of 'Reporting Officer'. This person is appointed by the Monitoring Officer (and he may appoint himself to the role) in essence, to handle the case for the 'prosecution'. This person will liaise with the ESO and bring together any witnesses and information which provide evidence relating to the allegation against the Councillor. The guidance from the SBE intimates that the Reporting Officer will also liaise with the Councillor who is the subject of the investigation on some matters, but we consider this inappropriate and have suggested that the adviser to the Standards Committee Panel 'holds the ring' and fulfils the liaison role with the two parties. If the Monitoring Officer appoints himself as Reporting Officer he will appoint an alternative legal adviser to the Panel.

It is also necessary to consider whether there is a need for a further legal resource available to give advice to Members who may be involved in the process in some way. It may be that a Councillor not under investigation is or may be called as a witness in the matter. Witnesses cannot be compelled to attend, and such a member may want advice on whether or not to agree to attend. This might normally be provided by the Monitoring Officer and it is suggested that the Monitoring Officer protocol include such a role. Clearly if the Monitoring Officer is the Reporting Officer or has a conflict of interest he will need to refer such requests to an alternative legal officer. In addition it should be noted that legal officers might need to advise a member to seek their own external legal advice where necessary.

It may also be common, given the absence of any funds to pay for member representation and no prospect of success in a claim for costs, that the member who the allegation is laid against decides to represent him or herself. Whilst that is a matter for the member, it may be helpful for the effective running of the process if general procedural advice could be provided to that member in preparing the case. Again this may best be done by the Monitoring Officer, but it may be appropriate to appoint an alternative legal officer, who is not the Reporting Officer and not the legal adviser to the Panel, who is able to provide general advice. Note that it is not being suggested that the officer provide representation for the member, rather, general advice about how to identify the key issues in the case, deadlines for responses, advice on giving oral evidence or how to question witnesses etc.

7. **Consultation**

7.1 Not applicable

8. **Finance Observations**

8.1 There is no budget provision for any costs that may arise if external support is required to carry out any investigation or for any other costs that may arise.

9. **Legal Observations**

9.1 Contained in the body of the report.

10. **Conclusion**

10.1 The Standards Committee must have a procedure in place to deal with referrals to it from an Ethical Standards Officer. When further regulations are issued allowing the Standards Committee to carry out investigations the procedure will need to be amended to explain how that will be done.

10.2 Members should note however that the Standards Committee can nevertheless oversee ethical issues and inquire into complaints. The case of Broadland District Council ex parte Lashley confirmed that it was within the power of a local authority Standards Committee to oversee ethical issues and inquire into complaints concerning member conduct. The Court of Appeal ruled that such a committee fell within the powers of the Council under s111 of the Local Government Act 1972 which provides an ancillary power to do anything which is calculated to facilitate or conducive or incidental to the carrying out of its functions.

- 10.3 The Court of Appeal confirmed that the powers of the Committee within the current legislative framework are limited to the naming and shaming of individual members where conduct is regarded of a breach of the Code; removal from any office, appointment or committee or sub-committee in certain circumstances; and the possible removal of facilities (e.g. copiers) as long as such sanctions did not prevent the member from undertaking his or her role as a democratically elected member.
- 10.4 Therefore even prior to receiving the local investigation powers, the Committee does have some powers of inquiry.

11. **Background Papers**

- 11.1 The Local Authorities (Code of Conduct) (Local determination) Regulations 2003
11.2 Standards Committee Determinations – Guidance for Monitoring Officers and Standards Committees – Standards Board for England.
11.3 Local Government Act 2003
Available from the report author.

12. **Author**

- 12.1 Alison Vydulinska –Corporate Solicitor – 020 8424 7629.
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COUNCIL

23 OCTOBER 2003

SPECIAL URGENCY DECISIONS TAKEN BY THE EXECUTIVE

- (A) DECISIONS TAKEN UNDER URGENCY
BY PORTFOLIO HOLDERS
- (B) USE OF SPECIAL URGENCY
PROCEDURE

REPORTS OF THE BOROUGH SOLICITOR

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LONDON BOROUGH OF HARROW

Meeting:	Council
Date:	23 October 2003
Subject:	Record of decisions taken under urgency by Portfolio Holders/Leader
Key decision:	No
Responsible Chief Officer:	Borough Solicitor
Relevant Portfolio Holder:	Strategy and External Affairs
Status:	Public
Ward:	N/A
Enclosures:	None

1. **Summary**

- 1.1 In accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution, the Borough Solicitor is required to report any decisions taken as a matter of urgency to the next available meeting of the Council.
- 1.2 This reports sets out the details of those decisions taken as a matter of urgency since the Annual Council meeting held on 15 May 2003.

2. **Recommendations (for decision by Council)**

- 2.1 **That the urgent decisions detailed in paragraph 6 of this report taken by Portfolio Holders and the Leader be noted.**

REASON: These decisions were regarded as urgent for the reasons set out in paragraph 6 of this report.

3. **Consultation with Ward Councillors**

- 3.1 N/A

4. **Policy Context (including Relevant Previous Decisions)**

- 4.1 Council – 28 February 2002 – Approved the Council Constitution.
- 4.2 Extraordinary Council – 28 May 2002 - Approved the Role and Delegated Powers of Portfolio Holders

5. **Relevance to Corporate Priorities**

5.1 N/A

6. **Background Information and options considered**

6.1 In accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution, the Borough Solicitor is required to report any decisions taken as a matter of urgency to the next available meeting of the Council.

6.2 The Call in procedure, which is set out in paragraph 22 of the Council's Overview and Scrutiny Committee Procedure Rules, shall not apply where the decision being taken by the Executive or Portfolio Holder is urgent. A decision may be regarded as urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

6.3 The following urgent decisions have been taken by Portfolio Holders/Leader since Annual Council on 15 May 2003:-

Subject	Portfolio Holder	Reason for urgency
Proposed Funfair in Byron Recreation Ground (Ref: 123/02)	Environment and Transport	To allow the Fun Fair organiser sufficient time to make the arrangements necessary for the event.
O v LBH (Ref: 125/02)	Strategy and External Affairs	To lodge the appeal forthwith.
Settlement of an Appeal in the Employment Appeal Tribunal (Ref: 002/03)	Strategy and External Affairs	To allow for the payment to be made by 23 June 2003, pursuant to a settlement agreement approved by the Employment Appeal Tribunal.
Authorisation to grant a lease on Elm Grove and Pinner Wood school houses for use as Harrow affordable key worker temporary rentals (Ref: 005/03)	Education and Lifelong Learning	Teachers on waiting list start work in Harrow from July 2003 onwards. Timing the start in July maximizes this as a teacher recruitment and retention incentive.
Education PFI (Special Schools) (Ref: 006/03) – Key (decision taken under special urgency procedure)	Leader	To allow officers to confirm negotiation positions with the contractor to continue progressing towards contract close at the end of July 2003.
Sudbury Hill Stations Area Controlled Parking Zone (CPZ) (Ref: 014/03)	Environment and Transport	To enable officers to statutory advertise the proposals and co-ordinate implementation of the Scheme with the Brent CPZ. Failure to expedite this process could result in Brent CPZ being implemented in advance of the Harrow CPZ resulting in displacement of parking causing amenity, safety and congestion problems on Harrow's side of the border.

Subject	Portfolio Holder	Reason for urgency
Harrow Homelessness Strategy (Ref: 015/03)	Planning, Development, Housing and Best Value	To enable the strategy to be submitted to the Office of the Deputy Prime Minister by the required deadline.
Authority to delegate the powers of Vehicle Emission Testing to the ALG (Ref: 020/03)	Leader (in the absence of the Environment and Transport Portfolio Holder)	The Emissions Testing had already begun and the ALG required the participating authorities to agree to the execution of the order as a matter of urgency to allow roll out of the programme.
Woodlands, Kingsley and Little Stanmore Private Finance Initiative (PFI) – Council Indemnities (Ref: 022/03)	Leader	In order to reach financial close as the Woodlands/Kingsley PFI indemnities needed to be provided by the Council to the PFI Contractors and its Bankers.
Taking a sub-lease of a property in Hillingdon (Ref: 023/03)	Planning, Development, Housing and Best Value	The Council needed to lease the property in order to accommodate the ongoing tenant before the school term started. Any delay may have resulted in the landlord withdrawing from negotiations.
32 Harrow View (Ref: 024/03)	Partnership & Property	Funding for the project from the Housing Corporation was more than likely to be withdrawn if the sale was not legally completed by the middle to the end of September.
Free Hire of Harrow Civic Centre Rooms to Community Groups for Black History Month 2003 Events (Ref: 028/03)	Partnership & Property	A decision was needed before the commencement of the Black History Month on 1 October.

6.4 Records of these decisions have been circulated to all Members of the Council, Libraries and Press and have also been published on the website.

7. **Consultation**

7.1 In accordance with paragraph 23.3 of the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution, the Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

8. **Finance Observations**

8.1 As per the individual reports to the relevant Portfolio Holder.

9. **Legal Observations**

9.1 None.

10. **Conclusion**

10.1 Members are requested to note those decisions that were taken by Portfolio Holders/Leader as a matter of urgency.

11. **Background Papers**

11.1 Portfolio Holder reports
Portfolio Holder Decision Notices
Council's Constitution

The Officers' reports in respect of the items listed below are exempt from inspection by the public on the grounds that they contain confidential information under the specified paragraph of Part I of Schedule 12 to the Local Government Act 1972.

<u>Item</u>	<u>Paragraph</u>
O v LBH (Ref: 125/02)	Exempt by virtue of Paragraph 12 of Part I Schedule 12A to the Local Government Act 1972
Settlement of an Appeal in the Employment Appeal Tribunal (Ref: 002/03)	Exempt by virtue of Paragraph 1 of Part I Schedule 12A to the Local Government Act 1972
Education PFI (Special Schools) (Ref: 006/03)	Exempt by virtue of Paragraph 9 of Part I Schedule 12A to the Local Government Act 1972
Woodlands, Kingsley and Little Stanmore PFI – Council Indemnities (Ref: 022/03)	Exempt by virtue of Paragraph 9 of Part I of Schedule 12A to the Local Government Act 1972.
Taking a sub-lease of a property in Hillingdon (Ref: 023/03)	Exempt by virtue of Paragraphs 4 & 9 of Part I of Schedule 12A to the Local Government Act 1972.
32 Harrow View (Ref: 024/03)	Exempt by virtue of Paragraph 9 of Part I of Schedule 12A to the Local Government Act 1972.

11.3 Any person wishing to inspect these background papers should telephone 020 8424 1881.

12. **Author**

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LONDON BOROUGH OF HARROW

Meeting:	Council
Date:	23 October 2003
Subject:	Use of Special Urgency Procedure
Key decision:	No
Responsible Chief Officer:	Borough Solicitor
Relevant Portfolio Holder:	Leader of the Council
Status:	Public
Ward:	All
Enclosures:	N/a

1. **Summary/ Reason for urgency (if applicable)**

- 1.1 The purpose of this report is to advise Council, in accordance with paragraph 17.3 of the Access to Information Procedure Rules, of the use of the Special Urgency Procedure. The Leader used the Special Urgency Procedure to enable consideration of one key decision.

2. **Recommendations (for decision by Council)**

- 2.1 **That the use of the Special Urgency Procedure in relation to the following report be noted:-
Education PFI (Special Schools).**

REASON: The Leader considered the above report and subsequently made resolutions. In accordance with paragraph 17.3 of the Access to Information Procedure Rules there is a requirement to report the use of the Special Urgency procedure to Council.

3. **Consultation with Ward Councillors**

- 3.1 N/A

4. **Policy Context (including Relevant Previous Decisions)**

- 4.1 Portfolio Holder Decision (Ref 74/02) – 16 December 2002. Reported to Cabinet On 14 January 2003 and Council on 23 January 2003.

5. **Relevance to Corporate Priorities**

5.1 N/A in the context of this report.

6. **Background Information and options considered**

6.1 The Forward Plan of Key decisions is prepared by the Borough Solicitor to cover a period of four months, beginning with the first day of any month and is published at least 14 days before the start of the period covered. If a matter that is likely to be a key decision has not been included in the Forward Plan and Rule 15 (General Exception) of the Access to Information Procedure Rules cannot be followed, the decision can only be taken if the agreement of the Chair of the Overview and Scrutiny Committee that the decision cannot be reasonably deferred is obtained.

The Executive Director (People First) was of the view that the key decision on the Education PFI (Special Schools) could not await the 15 July Cabinet because it would unduly and prejudicially delay the project. The Leader following consultation with the Portfolio Holder for Education and Lifelong Learning therefore took the decision under paragraphs 16 and 23 of the Access to Information Procedure Rules and Executive Procedure Rules respectively.

6.2 Set out below are the reasons for the key decision made on the Education PFI (Special Schools):-

<u>Report (Ref. No.)</u>	<u>Special Circumstances/ Grounds for Urgency</u>	<u>Reason for Decision</u>
Education PFI (Special Schools) (Ref: 006/03)	To allow officers to confirm negotiation positions with the contractor to continue progressing towards contract close at the end of July.	The Council appointed the Preferred Bidder in December 2002. Negotiations were very well advanced and financial close was required by end of July 2003. Authority for officers to sign the Project Agreement on behalf of the Council and to complete the negotiations was requested via Executive Action. Member decisions on outstanding key issues were required urgently to confirm the Council's position within the Project Agreement.

It was therefore necessary to make use of the special urgency procedure.

6.3 In accordance with Rule 16 (Special Urgency) of the Access to Information Procedure Rules to enable key decisions to be taken on the matters outlined in paragraph 6.2 above, the agreement of the Chair of the Overview and Scrutiny Committee was sought and obtained. In accordance with paragraph 17.3 of the Access to Information Procedure Rules there is a requirement to report the use of the Special Urgency procedure to Council.

7. **Consultation**

7.1 N/A

8. **Finance Observations**

8.1 None.

9. **Legal Observations**

9.1 Included in the report.

10. **Conclusion**

10.1 Members are requested to note the use of the special urgency procedure in relation to the reports detailed in paragraph 6.2 above.

11. **Background Papers**

11.1 Decision Notice
Education PFI - Report of the Executive Director (People First) (Part II)
The Council's Constitution

Any person wishing to inspect the background papers should telephone 020 8424 1266.

The Report of the Executive Director (People First) titled 'Education PFI (Special Schools)' is exempt from inspection by the public on the ground that it contains confidential information under the specified paragraph of Part I of Schedule 12 to the Local Government Act 1972.

<u>Item</u>	<u>Paragraph</u>
Education PFI (Special Schools) – Report of the Executive Director (People First)	Exempt by virtue of Paragraph 9 of Part I of the Local Government Act 1972

12. **Author**

12.1 Daksha Ghelani – Law and Administration – tel :020 8424 1881
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COUNCIL
23 OCTOBER 2003

**OVERVIEW AND SCRUTINY OPERATION AND
PROVISIONS FOR CALL IN AND URGENCY**

REPORT OF THE CHIEF EXECUTIVE

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LONDON BOROUGH OF HARROW

Meeting:	Council
Date:	23 October 2003
Subject:	Operation and Provisions for Call in and Urgency
Key decision:	No
Responsible Chief Officer:	Chief Executive
Relevant Portfolio Holder:	Strategy and External Affairs
Status:	Part 1
Ward:	N/A
Enclosures:	None

1. Summary/ Reason for urgency (if applicable)

- 1.1 Paragraph 23.7 of the Council's Overview and Scrutiny Procedure Rules states that the operation of the provisions for call-in and urgency shall be monitored annually and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.

2. Recommendations (for decision by Council)

- 2.1 That the operation of the call-in and urgency procedures be noted.

REASON: In accordance with paragraph 23.7 of the Overview and Scrutiny Procedure Rules, Members are required to consider the operation of the provisions for call-in and urgency on an annual basis.

3. Consultation with Ward Councillors

- 3.1 N/A

4. Policy Context (including Relevant Previous Decisions)

- 4.1 Council – 28 February 2002 – approval of Council Constitution
- 4.2 Council – reports on use of urgency - 26 September 2002, 23 January 2003, 27 February 2003, 15 May 2003.

4.3 Call-in Sub-Committee - 11 July 2002, 5 November 2002, 5 February 2003

5. **Relevance to Corporate Priorities**

5.1 N/A

6. **Background Information and options considered**

6.1 Paragraph 23.7 of the Council's Overview and Scrutiny Procedure Rules states that the operation of the provisions for call-in and urgency shall be monitored annually and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.

6.2 Call-in is the process whereby a decision of the Executive, Portfolio Holder or officer (when taking a key decision) taken but not implemented may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive re-consider the decision.

6.3 Any six Members of the Council and/or the voting co-opted members on the Lifelong Learning Scrutiny sub-committee may invoke call-in. Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This does not, however, apply to urgent decisions. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

Urgency

6.4 The Council Constitution has been in operation since May 2002. During the municipal year 2002-3, there were 43 urgent individual Portfolio Holder decisions and 82 non-urgent Portfolio Holder decisions. Since the start of the current municipal year, there have been 10 urgent and 27 non-urgent Portfolio Holder decisions (including 1 urgent key decision taken by the Leader) taken to-date. The relevant Head of Service is required to confirm urgency in each case.

6.5 Since the implementation of the Constitution the urgency process has been used on one occasion in relation to decisions of Cabinet. This related to a report considered by Cabinet on 9 September 2003, the details of which are set out below:-

<u>Subject</u>	<u>Reason for Urgency</u>
Further Funding Bid and Implementation Plans for the collection of waste from 12,000 households	The deadline for the submission of the bid to the London Recycling Fund was 15 September 2003.

The urgency process has not been used in relation to officer decisions.

- 6.6 In accordance with paragraph 23.6 of the Overview and Scrutiny Procedure Rules decisions taken as a matter of urgency have been reported the next available Council meeting following taking of the decision. The reports to Council have set out the reason for urgency in each case.

Use of Call in procedure

- 6.7 Since May 2002, seven decisions, of which one was a key decision, have been called in and referred to the Call-in Sub-Committee for consideration. Of these seven decisions, one was made by a Portfolio Holder and the other six by Cabinet. The Call-in Sub-Committee has met three times, the last meeting of the Sub-Committee considering five called-in decisions. Of the seven decisions called in, one was referred back to the Executive for reconsideration. The Sub-Committee rejected the grounds for four of the call-ins and agreed that the decisions could be implemented straight away. Two of the call-ins (one of which was the key decision) were withdrawn at the Sub-Committee meeting. In addition, two decisions (one Cabinet and one Portfolio Holder) were sought to be called in but were determined to be invalid by the Borough Solicitor.
- 6.8 There are currently no proposals to amend the call in procedure and no options are put forward for change.

7. **Consultation**

- 7.1 None

8. **Finance Observations**

- 8.1 None

9. **Legal Observations**

- 9.1 None.

10. **Conclusion**

- 10.1 There are currently no proposals to review the provisions for call-in and urgency and Members are requested to note this report.

11. **Background Papers**

- 11.1 Council Constitution

- 11.2 Any person wishing to inspect the background papers should telephone 0208 424 1266

12. **Author**

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COUNCIL
23 OCTOBER 2003

MOTIONS

REPORT OF THE BOROUGH SOLICITOR

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LONDON BOROUGH OF HARROW

COUNCIL MEETING – 23 OCTOBER 2003

MOTIONS

To consider the following Motions submitted by Members of the Council:-

- (1) Motion to be moved by Councillor C Mote, seconded by Councillor D Ashton:-

That this Council changes its nominated members on the ALG committees and panels.
The following changes as set out below:

2.	Association of London Government Committees and Panels	No of Reps	Appointee	Deputy
	(i) Leaders' Committee	1 + 2 Deputies	Cllr C Mote	1. Cllr D Ashton 2. Cllr J Cowan
	(ii) Greater London Provincial Council	2 Deputies	N/A	1. Cllr D Ashton 2. Cllr E Kinnear 3.
	(iii) Associated Joint Committee (ALG Grants Committee)	1 + 4 Deputies	Cllr Joyce Nickolay	1. Cllr R Arnold 2. Cllr M Ashton 3. Cllr A Patel 4. Cllr D Billson
	(iv) Associated Joint Committee (Transport & Environment Committee)	1 + 4 Deputies	Cllr John Nickolay	1. Cllr E Kinnear 2. Cllr R Arnold 3. Cllr C Bath 4. Cllr A Patel
	(viii) Education	1 + 1 Deputy	Cllr C Bednell	Cllr J Mote

- (2) Motion to be moved by Councillor John Nickolay, seconded by Councillor Clive Harriss:-

“Whilst welcoming the recent review of crossover policy by the Traffic and Road Safety Panel, this Council further agrees to Officers being allowed discretion (after consultation with the appropriate Ward Councillors) to agree to the removal of trees that prevent crossovers being allowed in situations where there are valid medical reasons for providing such facilities, it being understood that wherever possible suitable replacement trees be provided to protect the street scene.”

- (3) Motion by Councillor Ann Groves, seconded by Councillor Navin Shah :-

“ This Council deplores the decision of the Greater London Magistrates' Court Authority (GLMCA) to close Harrow Court House in July 2004.

The Council notes with grave concern that the local authority was excluded from the feasibility study to establish the possibility of co-locating the Magistrates' Court to the Crown Court; that no information financial or logistical has been provided in support of GLMCA's decision and that all matters were conducted in private.

The Council fully supports the appeal against this decision, and all other legitimate efforts to maintain local justice for the residents of Harrow.”

FOR CONSIDERATION

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COUNCIL
23 OCTOBER 2003

**APPOINTMENT/RE-APPOINTMENT OF
THE AUTHORITY'S STATUTORY OFFICERS**

REPORT OF THE CHIEF EXECUTIVE

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LONDON BOROUGH OF HARROW

COUNCIL MEETING

THURSDAY 23 OCTOBER 2003

REPORT OF THE CHIEF EXECUTIVE

- (1) APPOINTMENT/RE-APPOINTMENT OF CERTAIN OFFICERS DESIGNATED BY STATUTE TO UNDERTAKE PARTICULAR DUTIES**
- (2) ADMINISTRATIVE CHANGES TO OFFICER SCHEME OF DELEGATION**

1. Background

Under various Local Government enactments, Authorities are required by statute to appoint a number of proper officers to undertake particular duties (dependent on the functions exercised).

For Harrow as a London Borough, this includes:-

- Head of Paid Service
- Chief Finance Officer
- Director of Social Services
- Chief Education Officer
- Monitoring Officer
- Chief Inspector of Weights and Measures
- Public Analyst

2. New Harrow Project – Revised Management Structure

Organisational and personnel changes have been in train for some months under the auspices of the New Harrow Project which affect the location and designation of the previously appointed proper officers.

Most of the appointments of personnel to the top management structure are now in place and/or the intended location of the relevant post-holders has been determined.

Accordingly, it is opportune for the Council to confirm the arrangements in respect of statutory officers as now reported formally. It is also considered sensible to take this opportunity to redesignate the existing Scheme of Delegation to the recently appointed Chief Officers. (see appendix 2)

3. Statutory Officer Appointments

The arrangements for fulfilling the proper officer roles within Harrow's management structure are set out in the following schedule.

Two of the allocations proposed are temporary/interim pending permanent appointments.

	<u>Statutory Role</u>	<u>Designated Post</u>	<u>Incumbent</u>
(1)	Head of Paid Service (Section 4 of the LG and Housing Act 1989)	Chief Executive	Joyce Markham
(2)	Chief Finance Officer (Section 151 of the LGA 1972 and Section 114 of the LGA 1988)	(i) Executive Director (Business Connections) (interim arrangement until appointment of Director of Business Strategy) (ii) Director of Business Strategy (permanent arrangement)	Nick Bell (To be appointed)
(3)	Director of Social Services (Section 6 of the Local Authority Social Services Act 1970)	Director of Children's Services (People First)	Paul Clark
(4)	Chief Education Officer (Section 532 of the Education Act 1996)	(i) Interim Director of Education (interim arrangement until commencement of Director of Learning and Community Development) (ii) Director of Learning and Community Development (People First) (permanent arrangement)	Michael Hart Javed Khan (upon commencement)
(5)	(see attached schedule of Proper Officer and Monitoring Officer functions – Appendix 1)	Borough Solicitor	Gerald Balabanoff
(6)	Section 72 of the Weights and Measures Act 1985	Chief Inspector of Weights and Measures	John Taylor (Director of Trading Standards, Brent and Harrow)
(7)	Section 27 of the	Public Analyst	Duncan K. Arthur

	Food Safety Act 1990		MCChemA Cchem MRSC MIFST
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4. **Delegation of Proper Officer Functions**

Section 3B of the Council’s Constitution, “Delegations to Chief Officers”, also provides for the delegation by Chief Officers of their duties as may be appropriate. This is subject to such onward delegations being in writing and open to inspection.

This will continue to be the practice in respect of the identified, proper officer functions to cover for periods of absence by Chief Officers (e.g. holidays, sickness).

5. **Recommendations**

- (1) That the Council receive and confirm the schedule of the Authority’s management arrangements for providing the officer roles required by statute (paragraph 3 and schedules);
- (2) that the intended transfer from interim to permanent arrangement for the allocation of the finance and education statutory roles be authorised, to be implemented when the relevant posts are filled and the incumbents have commenced their duties (paragraph 3 and schedules);
- (3) that the Constitutional provision for the delegation of proper officer functions be re-confirmed (as set out at paragraph 4 above).
- (4) that the Scheme of Delegations to Chief Officers in the Constitution be updated to reflect the changes set out in the schedule to this report.

FOR CONSIDERATION

Joyce Markham
Chief Executive

perjp/repcouncil23.10.03

LONDON BOROUGH OF HARROW

COUNCIL – 23 OCTOBER 2003

REPORT OF THE CHIEF EXECUTIVE

**SCHEDULE OF PROPER OFFICER AND MONITORING OFFICER
STATUTORY ROLES**

- (i) Sections 9 and 13 of the Registration Service Act 1953
(Proper Officer, Registration of Births, Deaths and Marriages)
- (ii) Sections 8 and 35 of the Representation of the People Act 1983 (Electoral Registration Officer), and Proper Officer for all other enactments relating to the registration of electors and the conduct of elections and referenda
- (iii) Sections 83, 84, 88(2), 96, 100B, 100C, 100D, 100F, 210, 225(1), 229, 234, 238, 248(2); and Schedule 12 Part 1 paragraphs 4(2)(b) and 4(3) of the Local Government Act 1972.
(A number of provisions relating to Council Proceedings)
- (iv) Section 30, Local Government Act 1974
(To give public notice of report of Local “Ombudsman”)
- (v) Section 41, Local Government (Miscellaneous Provisions) Act 1976
(Certification of minutes)
- (vi) Section 116, Local Government Finance Act 1988
(To notify Auditor of meeting held to consider report of Auditor)
- (vii) Sections 2 and 19, Local Government & Housing Act 1989
(List of politically restricted posts and Register of Member interests)
- (viii) Section 5 Local Government & Housing Act 1989
(Monitoring Officer)
(For a list of the Monitoring Officer functions please refer to the relevant Standards Committee protocol)
- (ix) All other statutory or Proper Officer functions falling within the functions discharged or services provided by the Borough Solicitor.

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PROPOSED CHANGES TO THE OFFICER SCHEME OF DELEGATION

The following amendments are therefore required to enable officers to continue to use the authority currently delegated.

All numbers referred to are page numbers and paragraph numbers in the Officer Scheme of delegation in part 3B of the Council's Constitution.

Page	Paragraph	Previous Words	Proposed wording
All	where Appropriate	Heads of Service and Directors	Executive Directors and Directors
3-73	4	Director of Environmental Services	Executive Director (Urban Living)
3-77	Note:	Borough Secretary and Solicitor	Borough Solicitor
3-77	2(b)(iii)	Director of Social Services	Director of Children's Services (Statutory Social Services Officer)
3-77	2(c)	Head of Service	Chief Officer
3-78	5	Director of Social Services	ALMO Project Manager (until 31.3.04)
3-78	8(a)	Director of Environmental Services	Executive Director (Urban Living)
3-78	10	Director of Environmental Services	Executive Director (Urban Living)
3-79	4	Directors	Chief Officers
3-81	Heading	Director of Education	Executive Director (People First)
3-82	Heading	Director of Environmental Services	Executive Director (Urban Living)
3-82	4	Chief Executive and Director of Finance	Executive Director (Business Connections) (statutory s151 officer)
3-83	3,4	Chief Executive and Director of Finance	Executive Director (Business Connections) (statutory s151 officer)
3-88	49	Planning Committee	Development Control Committee
3-90	Heading	Property and Development Services	Executive Director (Urban Living)

3-91	7	Chief Executive and Director of Finance	Executive Director (Business Connections) (statutory s151 officer)
3-91	8	Head of Property	Director or Professional Services (Urban Living)
3-94	1.1	Secretary of State for the Environment	Office of the Deputy Prime Minister
3-97	Heading	Director of Social Services	Executive Director (Urban Living)
3-97	1.5	Head of Housing	Area Director (Urban Living)
3-99	12	Head of Housing	Director or Professional Services (Urban Living)
3-100	17(a)(b)(c)	Head of Housing	Director of Professional Services (Urban Living)
3-100	(iii)	Social Services	Executive Director (People First)
3-101	(iv)	Health Services	Executive Director (People First)

COUNCIL
23 OCTOBER 2003

**REVISIONS TO THE REPRESENTATION ON
OUTSIDE BODIES**

REPORT OF THE BOROUGH SOLICITOR

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COUNCIL MEETING

THURSDAY 23 OCTOBER 2003

REPORT OF THE BOROUGH SOLICITOR

REVISIONS TO THE REPRESENTATION ON OUTSIDE BODIES

Background

1. At the Annual Council Meeting on 15 May 2003 the Authority's appointments to outside bodies for the Municipal Year 2003/2004 were made (Resolution 125).
2. Over the course of the intervening months a number of outside body organisations have notified revised arrangements, affecting the Council's representation.
3. Additionally, officer appointments have been affected by changes of personnel and/or organisational restructuring.

Revisions

4. The following revisions to the Council's representation on outside bodies accordingly is now advised:-

<u>Outside Body</u>	<u>Revision</u>
16. Harrow Colleges' Further Education Corporation Board.	Delete "Manager, Arts and Leisure Services". Substitute "Senior Adviser (Secondary) School Development Services".
21. Harrow in Business (Enterprise Agency) - Board of Management.	Delete "Director of Environmental Services" Substitute "Executive Director (Business Connections)".
57. North West London Refugee Employment and Training Partnership Joint Advisory Board.	Organisation dissolved. (See paragraph 5 below). The appointments made in May 2003 are cancelled. (Representatives:- Cllrs. Mrs Bath, Harrison, Nana Asante 1 st Deputies:- Cllrs. Knowles, Toms, Ann Groves. 2 nd Deputies:- Cllrs. Williams, Dhamarajah, Thammaiah.)
63. Rayners Lane Estate Steering Group.	Steering Group dissolved. The appointments made in May are cancelled. (Members:- Cllrs. Currie, Ingram Deputies:- Cllrs. Dhamarajah, Gate). (Note: Following the stock transfer on the Estate to Warden Housing Association, the Cabinet has established a separate liaison arrangement).

New Appointments

5. The Authority has been notified that the former North West London Refugee Employment and Training Partnership Joint Advisory Board (see paragraph 4 above, Item 57) has been reformed as the "Refugees into Jobs Board". The Council has been invited to appoint one representative and one deputy.

The Labour Group has nominated as follows:-

Appointee:- Cllr. Harrison.

Deputy:- Cllr. Nana Asante.

Extended Appointments

6. At the time of the Annual Council Meeting it was understood that the Harrow Community Health Council was due to be wound up at the end of August 2003 and the 2002/2003 appointments were extended until that date.

It is the Authority's understanding that the existence of the Harrow Community Health Council has been further extended now until December 2003.

Council is formally requested to endorse that the existing appointments of representatives additionally be extended for the remaining life of the HCHC.

Pending Revisions

7. There are several organisations which have given indications that they are in the process of revising their requirement for Council representation but it has not proved possible to date to obtain definitive responses as to the new arrangements.

These are now indicated for the information Council, pending an outcome:-

- | | | |
|---|---|---|
| 48. Metropolitan Housing Trust Ltd | - | governance structure under review. |
| 55. Network Housing Association Management Committee. | - | considering reduction of Board members/ local authority representation. |
| 59. Pinner Parish Charities | - | caveat notified to Annual Meeting but demise of the Charities not confirmed. |
| 73. University of Westminster
- Court of Govenors. | - | Discretionary appointment, acceptance of which for 2003/2004 remains unconfirmed. |

Recommendations

8. Council is requested:-

(1) To note the revisions to and cancellations of certain appointments (paragraph 4);

- (2) To agree appointments to the new outside body “Refugees into Jobs Board” (paragraph 5);
- (3) To confirm the extended appointments of existing representatives for the remaining life of the Harrow Community Health Council until 31 December 2003 or such later date in 2004 as may be required up until the May Annual Council Meeting (paragraph 6);
- (4) To note the outstanding issues with certain appointments (paragraph 7).

FOR DECISION/ CONFIRMATION

Gerald Balabanoff
Borough Solicitor

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COUNCIL
23 OCTOBER 2003

EXECUTIVE ACTIONS

REPORT OF THE BOROUGH SOLICITOR

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LONDON BOROUGH OF HARROW

COUNCIL MEETING – 23 OCTOBER 2003

EXECUTIVE ACTIONS

The following Urgent Executive Actions have been taken on behalf of the Council following consultation with the Group Leaders, since the Annual Council Meeting.

(1) London Housing Unit

Approving the appointment of the Council's representatives to sit on the LHU Committees for 2003/04:-

<u>Body</u>	<u>Representative</u>	<u>Deputy</u>
LHU Committee	Cllr. Foulds (Leader of the Council) *	Cllr. Burchell
LHU Executive Sub Committee	Cllr. Burchell	Cllr. Choudhury

[Notes: (1) * The appointment to the main Committee of the Leader of the Council as the Borough representative is prescribed by the LHU;

(2) the formal invitations to make appointments was received from the LHU after the date of Annual Council and the urgency requirement derived from the initial meetings of the LHU Committee being held on 10 June and the Executive Sub-Committee on 20 June 2003].

(2) Mayor of Harrow's Charity Fund Burgess Trustees

Approving the appointment of the Burgess Trustees for the Municipal Year 2003/04 to the Mayor's Charity Fund (being additional to the appointment of three Council Members) as hereunder:-

(i) the re-appointment of Mr Owen Cock, Mrs B Cripps and Mrs R Feakins, having been Burgess Trustees in 2002/03;

(ii) the appointment of Mrs G Branch to fill a current vacancy as the fourth Burgess Trustee.

[Note: These appointments were not undertaken at the Annual Council Meeting and the urgency requirement derived from the first meeting of the Charity Fund which was held on 18 June 2003].

(3) Re-Establishment of the Education Appeals Panel for the 2003/04 Academic Year

Approving the appointment of Lay and Other Members to Harrow's Education Appeals Panel for the 2003/04 Academic Year, to serve on both Harrow's Education Appeals Panel and appeals panels set up by Voluntary-Aided Schools, to enable those Panels to start hearing appeals related to the commencement of the new school term.

FOR CONFIRMATION

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