

2004 - 2005

**HARROW COUNCIL
COUNCIL SUMMONS**

**MEETING
Thursday 21 October 2004**



COUNCIL SUMMONS

Law and Administration Division

Civic Centre

Harrow

13 October, 2004

Dear Member

I hereby request and summon you to attend a **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, 21st day of October 2004 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, the Reverend Clive Pearce, will open the meeting with Prayers.

I. PROCEDURAL

1. COUNCIL MINUTES: (Pages 1 - 40)

That the minutes of the:-

- (i) Ordinary Meeting held on 29 April 2004:
- (ii) Annual Meeting held on 13 May 2004: and
- (iii) Extraordinary Meeting held on 24 June 2004;

all having been circulated, to be taken as read and signed as correct records.

(Notes: (i) the above Minutes have been circulated previously within the relevant Volumes of Cabinet and Council Minutes ;

(ii) those Minutes are also now enclosed with this Summons for ease of reference).

2. DECLARATIONS OF INTEREST:

To receive declarations of interest (if any) from Members of Council arising from business to be transacted at this meeting.

3. APPOINTMENT OF THE LEADER OF THE COUNCIL:

(Article 7 of the Constitution – “The Executive”).

Further to the appointment made at the Annual Council Meeting on 13 May 2004 under the provisions of Paragraph 7.03 of Article 7, Councillor Foulds has given formal written notice on 13 October to the Chief Executive of his resignation from the office of Leader of the Council.

The Group has given further notice that it nominates Councillor Navin Shah for appointment as Leader of the Council for the remainder of the Municipal Year 2004/05 for the Council’s agreement.

FOR DECISION

4. EXECUTIVE FUNCTIONS 2004/05:

Subject to the item on this Summons regarding the appointment of a Leader of the Council, Councillor Navin Shah as the nominee of the Labour Group to be appointed to the office has given notice of the intention under the provisions of Executive Procedure Rule 3.2 to present a revised form of the Executive (membership of the Cabinet and allocation of Portfolios) for the Council’s approval. (The detailed proposal is to follow).

FOR CONSIDERATION

5. MAYOR'S ANNOUNCEMENTS:

To receive any announcements from the Mayor.

(Note: Information as to recent Mayoral engagements will be tabled).

6. PROCEDURAL MOTIONS:

To receive and consider any procedural motions by Members of the 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).

II. PUBLIC REPRESENTATIONS (Council Procedure Rules 11 and 12)

7. PETITIONS:

To receive petitions (if any) submitted in accordance with Council Procedure Rule 11 (Part 4A of the Constitution) and presented:-

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

8. 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 5.00 pm two clear working days prior to the day of this Meeting.

(Note: Confirmation of any such questions will be tabled).

III. REPORTS FROM THE EXECUTIVE

**9. FINANCIAL REGULATIONS AND CONTRACT PROCEDURE RULES:
(Pages 41 - 70)**

CABINET (20 MAY 2004) - RECOMMENDATION I

The Cabinet Recommendation in this matter is enclosed, together with the detailed revised Regulations and Rules, inclusive of the amendments subsequently agreed by the Portfolio Holder for Finance, Human Resources and Performance Management for incorporation into the finalised draft (as authorised by the terms of the Recommendation).

**10. SERVICE AND FINANCIAL PLANNING PROCESS 2005-06 TO 2007-08:
(Pages 71 - 74)**

CABINET (29 JULY 2004) - RECOMMENDATION I

11. NINTH LONDON LOCAL AUTHORITIES BILL: (Pages 75 - 80)

(1) CABINET (14 October 2004) - RECOMMENDATION I

To consider a Recommendation in this matter (to follow).

(2) STATUTORY RESOLUTION

The Council is required to consider the attached form of Statutory Resolution and in order to agree Harrow's approval to promote a Ninth London Local Authority Bill to pass a Resolution in favour by a majority of the whole number of Members of Council.

FOR DECISION

12. LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003 - ADDITIONAL ENFORCEMENT POWERS:

CABINET (14 OCTOBER 2004) - RECOMMENDATION II

To consider a Recommendation in this matter (to follow).

13. PINNER WAR MEMORIAL FUND:

CABINET (14 OCTOBER 2004) - RECOMMENDATION III

To consider a Recommendation in this matter (to follow).

IV. OVERVIEW AND SCRUTINY

14. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2003/04:

OVERVIEW AND SCRUTINY COMMITTEE (19 OCTOBER 2004) - RECOMMENDATION I.

[Note: This anticipated Recommendation will necessarily be tabled due to the proximity of the Committee meeting to this Council meeting].

15. ESTABLISHMENT OF AN AUDIT COMMITTEE:

OVERVIEW AND SCRUTINY COMMITTEE (19 OCTOBER 2004) - RECOMMENDATION II.

[Note: This anticipated Recommendation will necessarily be tabled due to the proximity of the Committee meeting to this Council meeting].

V. REPORTS FROM COUNCIL COMMITTEES

16. TRAINING FOR MEMBERS OF THE DEVELOPMENT CONTROL COMMITTEE: (Pages 81 - 86)

(1) DEVELOPMENT CONTROL COMMITTEE (7 SEPTEMBER 2004) - RECOMMENDATION I.

(2) Arising from the above Recommendation, to consider the adoption of an appropriate Committee Procedure Rule implementing the requirement for Members serving on the Committee to be trained. The draft of such a Procedural Rule is attached. [It is proposed that this Rule might be inserted into the Committee Procedure Rules as new Rule 7, with a consequent renumbering thereafter].

FOR CONSIDERATION

VI. ISSUES RAISED BY COUNCIL MEMBERS

17. QUESTIONS WITH NOTICE:

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 a 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 Chief Executive by 12.00 noon on the day of the Council Meeting.

18. MOTIONS:

To receive the following Motions submitted by Members of Council in accordance with the provisions of Council Procedure Rule 15.1 :-

(1) Post Office Acts

Motion to be moved by Councillor C.Mote and seconded by Councillor D.Ashton:-

“We, the Undersigned, call on Harrow Council to condemn the actions of our MPs in voting for the Post Office Acts. We believe the nine closures that are now threatened in Harrow are a direct result of those policies and call on both our Parliamentary representatives to explain their actions or resign”.

FOR CONSIDERATION

(2) Locally Listed Buildings

Motion to be moved by Councillor Knowles and seconded by Councillor Jean Lammiman:-

“Given that Council Resolved Unanimously to work to strengthen the law protecting Locally Listed Buildings on 29 April, we condemn London Mayor Ken Livingstone’s refusal to cooperate, and his distaste of local listing. We believe that other vulnerable buildings across Harrow are urgently in need of protection from development, and call on Harrow Council to work towards persuading the London Mayor to support the protection of Locally Listed Buildings”.

FOR CONSIDERATION

(3) Small Businesses

Motion to be moved by Councillor Vina Mithani and seconded by Councillor Silver:-

“We, the Undersigned, call on Harrow Council to work to encourage the development of “Next Step” provision for Small Businesses in the Borough”.

FOR CONSIDERATION

(4) London Bid for the Olympic Games 2012

Motion to be moved by Councillor Navin Shah and seconded by Councillor Knowles:-

“The Council recognises the enormous benefits to London in hosting the world’s biggest sporting event. The effects of hosting such a special event would be felt countrywide with direct improvements in our sporting, recreational, social, economic and transport infrastructure.

The Council notes that the games would bring direct financial benefits while more importantly enhancing the public’s understanding of disability issues and national cultures while providing role models for the borough’s young people and others throughout Britain. The Council also believes that the Olympic Games and Paralympics are a demonstration of international community cohesion, and that this borough has an identical ambition that the multi-cultural communities of this borough are able to live, work and compete in a spirit of mutual respect. Together with the West London Alliance, this Council therefore gives its wholehearted support to the campaign to bring the Olympic Games and Paralympics to London in 2012.”

FOR CONSIDERATION

VII. MISCELLANEOUS BUSINESS

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

(Local Government (Committees and Political Groups) Regulations 1990).

Arising from the receipt of a Notice from the Labour Group on 13 October under the provisions of Regulation 8(5) there is a requirement to effect a new determination on proportionality as soon as practicable.

Council is therefore requested to receive and confirm the Determination as to the proportional allocation of Committee places for the remainder of the Municipal Year 2004/05 under the 1990 Regulations.

(A draft Determination is being advised to the political Groups on the Council).

FOR CONFIRMATION

(Note: The determination as agreed would be utilised for the formal appointment of Committee Memberships – see item below).

20. APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES:

To receive the nominations of the Groups to Committee places in accordance with their proportional entitlements under the approved Determination and formally to re-establish Committees of the Council and their memberships for the remainder of the Municipal year 2004/05.

(The proposed Committee memberships will be tabled).

FOR CONFIRMATION

21. APPOINTMENT OF CHAIRS TO COUNCIL COMMITTEES:

To receive a proposal from the Leader of the Council as to the appointment of Chairs to Committees of the Council for the remainder of the Municipal year 2004/05 (which will be tabled).

FOR CONFIRMATION

22. OUTSIDE BODY APPOINTMENTS 2004/05:

(1) To note that the newly appointed Leader of the Council (item 2 above refers) will replace Councillor Foulds as the Council's representative on the following outside bodies for the remainder of the Municipal Year 2004/05:-

ALG Leaders' Committee
Local Government Association – General Assembly Meetings
London Housing Unit Committee
West London Alliance

FOR INFORMATION

(2) The following changes in representation is proposed for approval.

Outside Body	Original Appointee	Replacement Appointee
The London Arts Board Local Authority Forum	Manager of Arts and Leisure Services: Carole Stewart	Cultural Strategy Manager: Mike Padmore
North West London Strategic Health authority – Continuing Care Criteria Review Panel	Councillor Silver [Note: The eligibility of elected Members to serve on this Panel was removed under a Continuing Care Directive].	Interim Director of Community Care – Jeff Hobden

FOR CONFIRMATION

23. THE EXERCISE OF DISCRETION UNDER REGULATION 52 OF THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 1997 (AS AMENDED): (Pages 87 - 94)

Report of the Chief Executive.

24. OPERATION AND PROVISIONS FOR CALL IN AND URGENCY: (Pages 95 - 100)

Report of the Chief Executive.

25. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE AND USE OF SPECIAL URGENCY PROCEDURE: (Pages 101 - 110)

In accordance with the relevant Overview and Scrutiny Procedure Rules and Rule 17.3 of the Access to Information Rules, as set out in Part 4 of the Constitution, the Chief Executive is required to report respectively those urgent decisions and special urgency decisions taken on behalf of the Executive (that is as individually authorised by the Portfolio Holders), since the previous Council Meeting.

These requirements are met in the attached paper from the Chief executive.

FOR CONSIDERATION

26. URGENT DECISIONS TAKEN ON MATTERS RESERVED TO THE COUNCIL:

In accordance with the delegations to Chief Officers the Leaders of the three political groups on the Council were consulted on and agreed the following urgent decisions on behalf of the Council, being matters reserved to the Council.

Re-establishment of the Education Appeals Panel for the 2004/05 Academic Year

To appoint Lay or Other Members to Harrow's Education Appeals Panel for the 2004/05 Academic Year, to serve on both Harrow's Education Appeals Panels and Appeals Panels set up by Voluntary-Aided schools.

Delegations to Officers on Legal and Constitutional Matters

To delegate to the Chief Executive the matters in the Constitution currently delegated to the Borough Solicitor.

FOR CONFIRMATION

27. DIRECTOR OF CORPORATE GOVERNANCE : ALLOCATION OF STATUTORY MONITORING OFFICER ROLE:

Arising from the revised organisational and management structure adopted in respect of the Law and Administration Division, Chief Executive's Directorate, which included the deletion of the post of "Borough Solicitor", there is a requirement to approve an appropriate amendment to the Council's Constitution so as to allocate the statutory Monitoring Officer role (as specified in the Constitution) to the new post of Director of Corporate Governance.

FOR CONFIRMATION

Yours sincerely



Chief Executive

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

This page is intentionally left blank

ITEM 1

**COUNCIL
21 OCTOBER 2004**

COUNCIL MINUTES

ORDINARY MEETING – 29 APRIL 2004

ANNUAL MEETING – 13 MAY 2004

EXTRAORDINARY MEETING – 24 JUNE 2004

This page is intentionally left blank



**MINUTES
of the
MEETING
of the
COUNCIL
of the
LONDON BOROUGH OF HARROW
held on
THURSDAY 29 APRIL 2004**

Present: **The Worshipful the Mayor (Councillor Mano Dharmarajah)
The Deputy Mayor (Councillor Lurline Champagne)**

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
M. Choudhury
Mrs Janet Cowan
John Cowan
Bob Currie
Margaret Davine
Sanjay Dighé
A.T. Foulds
Brian Gate
Mitzi Green

Ann Groves
C. Harrison
C. Harriss
T. Idaikkadar
M. Ingram
N. Ismail
M. Kara
M. Kinsey
A.C. Knowles
Jean Lammiman
D. Lavingia
A. Lent
Miss Paddy Lyne
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
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
Deacon Tony Martin

A **OPENING PROCEEDINGS****184.** **PRAYERS:**

The Mayor's Chaplain, Deacon Tony Martin, addressed the Council and then led the Meeting in formal opening prayers.

B **PROCEDURAL MATTERS****185.** **COUNCIL MINUTES:****RESOLVED:**

THAT THE MINUTES OF THE COUNCIL (COUNCIL TAX) MEETING HELD ON 26 FEBRUARY 2004, HAVING BEEN CIRCULATED, BE TAKEN AS READ AND SIGNED AS A CORRECT RECORD.

186. **DECLARATIONS OF INTEREST BY MEMBERS OF THE COUNCIL:**

It was noted that there were no declarations of interest on behalf of Members with regard to the business to be transacted at this Council Meeting.

187. **MAYOR'S ANNOUNCEMENTS:**

Further to the tabled information regarding the recent Mayoral engagements undertaken by the Mayor, the Mayor also advised that the Borough had hosted a visit by Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh on 1 April to mark the 50th Anniversary of the signing of the Charter of Incorporation of Harrow as a Borough. The Mayor thanked officers for their hard work in arranging the visit.

The Mayor further paid tribute to the Borough Solicitor for his efforts in co-ordinating the Council's opposition to the closure of Harrow Magistrates Court which opposition, the Mayor now advised, had been successful.

RESOLVED:

THAT THE COUNCIL RECEIVE AND NOTE THE REPORT OF HIS WORSHIP THE MAYOR, AS TABLED, UPON HIS OFFICIAL DUTIES, TOGETHER WITH THOSE OCCASIONS ON WHICH HE WAS REPRESENTED BY THE DEPUTY MAYOR, SINCE THE COUNCIL (COUNCIL TAX) MEETING ON 26 FEBRUARY 2004 AND THE ADDITIONAL INFORMATION PROVIDED ABOVE.

188. **PROCEDURAL MOTIONS:**

No Procedural Motions were moved at this meeting.

C **PUBLIC REPRESENTATIONS****189.** **PETITIONS:**

In accordance with Council Procedure Rule 11, the following petitions were presented:

(1) By Members of the Council on behalf of petitioners:

- (i) Councillor John Nickolay submitted a petition signed by 65 of residents of Stafford Road which objected to the introduction of a 20mph zone and parking restrictions in that area.

[Note: The petition stood referred to the Traffic Advisory Panel].

- (ii) Councillor Miss Lyne submitted a petition signed by 98 local residents which called upon the Council to install a right filter light at the junction of Station Road and Pinner Road, North Harrow.

[Note: The petition stood referred to the Traffic Advisory Panel].

[Note: Councillor Stephenson also submitted 31 detailed letters of objection from residents of Southfield Park, Station Road and Hooking Green in relation to the outline planning application in respect of 45-51 Southfield Park. The letters stood referred to the Development Control Committee].

(2) By a member of the public:

- (i) Mr J Lawrence presented a petition signed by approximately 1400 local residents which called upon the Council to erect a new war memorial outside the Civic Centre to replace the current plain stone one.

[Note: The petition stood referred to the Cabinet].

190. PUBLIC QUESTIONS:

Further to Item 6 on the Summons, the following six questions was submitted by a member of the public, in accordance with Council Procedure Rule 12.3:

<u>QUESTION BY</u>	<u>QUESTION OF</u>	<u>TEXT OF QUESTION</u>
Mr B MacLeod-Cullinane	Leader of the Council	"Could the Leader of the Council explain to Harrow's hard-pressed taxpayers what are the real costs of the New Harrow Project, specifically could he quantify the rapid growth in middle management costs in the Council under the NHP and explain what proportion of the NHP's total bill that this expansion in highly-paid bureaucrats represents as opposed to actual frontline service delivery expenditure".

[Note: An oral answer was provided to the above question and under the provisions of Council Procedure Rule 12.4, a supplementary question was also asked and additionally answered].

D REPORTS FROM THE EXECUTIVE

191. RECOMMENDATIONS FROM THE CABINET:

The submitted Cabinet Recommendations having been moved by the Leader of the Council, Councillor Foulds, it was

RESOLVED:

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

(1) **CABINET: 16 MARCH 2004**

RECOMMENDATION I: Treasury Management Strategy

The Recommendation was adopted as printed.

RECOMMENDATION II: Medium Term Capital Budget Strategy 2004/05

The Recommendation was adopted as printed.

RECOMMENDATION III: Corporate Plan

The Recommendation was adopted as printed.

[Notes: (i) The detailed wording and format of the Plan associated with the

above Recommendation III were also debated and an amended version of the Plan was tabled. Following a vote on those amendments to the Plan on which there was not a consensus, the Plan was adopted in an amended form. The substantive, amended Plan is attached at Appendix I;

(ii) during the course of the debate on the Plan, Councillors Gate and Miss Bednell moved, on separate occasions, under the provisions of Council Procedure Rule 17.10(d) "that the question now be put". On both occasions, this received the general assent of the Council and the Meeting moved to a vote on the relevant amendment;

(iii) Councillors Arnold, D Ashton, Mrs Ashton, Mrs Bath, Miss Bednell, Billson, Mrs Champagnie, John Cowan, Janet Cowan, Harriss, Kara, Knowles, Jean Lammiman, Myra Michael, Vina Mithani, C Mote, Janet Mote, John Nickolay, Joyce Nickolay, Anjana Patel, Pinkus, Romain, Seymour, Silver and Versallion wished to be recorded as having abstained from voting on the substantive Motion in relation to this item].

(2) CABINET: 20 APRIL 2004

RECOMMENDATION I: Community Strategy for Harrow

The Recommendation was adopted as printed.

[Note: Councillors D Arnold, D Ashton, Mrs Ashton, Mrs Bath, Miss Bednell, Billson, Mrs Champagnie, John Cowan, Janet Cowan, Harriss, Kara, Knowles, Jean Lammiman, Myra Michael, Vina Mithani, C Mote, Janet Mote, John Nickolay, Joyce Nickolay, Anjana Patel, Pinkus, Romain, Seymour, Silver and Versallion wished to be recorded as having abstained from voting on the above Recommendation].

RECOMMENDATION II: Best Value Performance Plan 2004/05

The Recommendation was adopted as printed.

192. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE AND USE OF SPECIAL URGENCY PROCEDURE:

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

RESOLVED:

THAT THE URGENT DECISIONS TAKEN BY PORTFOLIO HOLDERS SINCE THE PREVIOUS COUNCIL MEETING NOW REPORTED BE NOTED.

E QUESTIONS UNDER COUNCIL PROCEDURE RULE 13

193. QUESTIONS WITH NOTICE (COUNCIL PROCEDURE RULE 13.2):

Further to Item 13 on the Summons, the following question had been submitted by a Member of Council, notice of which had been duly given under the provisions of Council Procedure Rule 13. An oral answer was provided by the relevant Portfolio Holder:

<u>QUESTION BY</u>	<u>QUESTION OF</u>	<u>TEXT OF QUESTION</u>
(1) Cllr Branch	Environment and Transport Portfolio Holder (Cllr. O'Dell)	"With about 40 tons of garden waste collected each week and composted, could the Portfolio Holder for Environment and Transport let this Council know when gardeners or allotment holders will be able to buy some of this compost from the Council"

[Note: Under the provisions of Council Procedure Rule 13.5, the Questioner also asked a supplementary question to which an oral answer was additionally provided].

F MOTIONS UNDER COMMITTEE PROCEDURE RULE 15

194. MOTION AT ITEM 14(1) OF THE SUMMONS:

- (i) Councillor Knowles moved and Councillor Navin Shah seconded the following Motion appearing at Item 14(1) of the Summons:

“Following the destruction of the locally listed Railway Hotel, Hatch End, we call on the Council to encourage and support our Planning Department to liaise with other boroughs, some of whom are known to share our concerns, in promoting changes in legislation to strengthen the rules governing Local Listed Buildings.

These should be tightened to the level that currently applies to domestic properties which require consent to demolish”.

- (ii) Following a debate and upon a vote, the Motion was carried unanimously.

RESOLVED:

THAT THE MOTION, AS SET OUT AT (i) ABOVE, BE ADOPTED UNANIMOUSLY.

195. MOTION AT ITEM 14(2) OF THE SUMMONS:

- (i) Councillor D Ashton moved and Councillor C. Mote seconded the following Motion appearing at Item 14(2) of the Summons:

“This Council is pleased that the Government has recognised the need for a Referendum on the new EU Constitution”.

- (ii) Following a debate upon a vote, the Motion was carried.

RESOLVED:

THAT THE MOTION, AS SET OUT AT (i) ABOVE, BE ADOPTED.

[Notes: (1) During the course of the debate on the above Motion, Councillor C. Mote moved under the provisions of Council Procedure Rule 17.10(d) “that the question now be put”. This received the general assent of the Council and the Meeting moved to a vote on the Motion;

(2) Councillors Nana Asante, Blann, Bluston, Burchell, Choudhury, Currie, Margaret Davine, Dighé, Foulds, Gate, Mitzi Green, Ann Groves, Harrison, Idaikkadar, Ismail, Kinsey, Lavingia, Lent, Miles, Marie-Louise Nolan, O’Dell, Omar, Ray, N. Shah, Rekha Shah, Stephenson, Thammaiah, Toms and Anne Whitehead wished to be recorded as having abstained from voting on the above Motion].

G OTHER BUSINESS

196. APPOINTMENT OF STATUTORY OFFICER:

Further to the information provided at Item 15 of the Summons it was

RESOLVED:

(1) THAT THE APPOINTMENT OF MYFANWY BARRETT AS THE COUNCIL’S CHIEF FINANCE OFFICER IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF SECTION 151 OF THE LOCAL GOVERNMENT ACT 1972 AND SECTION 114 OF THE LOCAL GOVERNMENT ACT 1988, BE CONFIRMED WITH IMMEDIATE EFFECT,

(2) THE APPROPRIATE AMENDMENT TO SECTION 3B OF THE COUNCIL’S CONSTITUTION, “DELEGATIONS TO CHIEF OFFICERS” BE AUTHORISED.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 9.21 pm).

This page is intentionally left blank



MINUTES
of the
ANNUAL MEETING
of the
COUNCIL
of the
LONDON BOROUGH OF HARROW
 held on
THURSDAY 13 MAY 2004

Present: **His Worship the Mayor (Councillor Mano Dharmarajah)**
 The Deputy Mayor (Councillor Lurline Champagne)

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
 M. Choudhury
 Mrs Janet Cowan
 John Cowan
 Bob Currie
 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
 Miss Paddy Lyne
 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
 Deacon Tony Martin

197. DEACON TONY MARTIN:

At the commencement of the Annual Meeting, preceding Prayers, the outgoing Mayor's Chaplain, Deacon Tony Martin, thanked the Council for the support provided through the last year, and the dedication and passion with which Members of the Council carried out their duties.

A PROCEEDINGS FOR THE ELECTION OF A MAYOR**198. ELECTION OF MAYOR:**

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

Councillor Mrs Bath nominated and Councillor John Nickolay seconded that **COUNCILLOR MRS LURLINE CHAMPAGNIE** be elected Mayor for the Municipal Year 2004/2005.

Councillors Foulds, Branch, Silver, Williams, Osborn, Myra Michael and Dighé also spoke in support of the nomination of Councillor Mrs Champagnie.

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

The election of Councillor Mrs Champagnie was secured unanimously by the whole number of the Council present. The Mayor declared Councillor Mrs Champagnie as duly elected Mayor.

RESOLVED:

THAT COUNCILLOR MRS LURLINE CHAMPAGNIE BE ELECTED MAYOR OF THE LONDON BOROUGH OF HARROW FOR THE MUNICIPAL YEAR 2004/2005.

199. INSTALLATION OF NEWLY APPOINTED MAYOR:

The retiring Mayor, Councillor Manoharan Dharmarajah, 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 Mayor's Consort, Mr Clive Champagnie, was then invested by the retiring Mayoress with his Medallion of Office.

The Mayor, Councillor Mrs Champagnie, then returned thanks for her election.

200. VOTE OF THANKS TO THE RETIRING MAYOR:

Councillor Toms formally moved a vote of thanks to the retiring Mayor, **Councillor Dharmarajah** and to the retiring Mayoress, **Mrs Seedeви Dharmarajah,** which was seconded by **Councillor Currie.**

Councillors Chris Mote, Miss Lyne, Idaikkadar, Ismail, Ray, Jean Lammiman, Lavingia, Mark Ingram, Anne Whitehead, Thammaiah and Gate also endorsed the vote of thanks.

RESOLVED:

THAT THE COUNCIL PLACE ON RECORD ITS UNANIMOUS APPRECIATION OF AND SINCERE THANKS TO COUNCILLOR MANOHARAN DHARMARAJAH AND MRS SEEDEVI DHARMARAJAH FOR THEIR YEAR OF OFFICE AS MAYOR AND MAYORESS OF THE LONDON BOROUGH OF HARROW FOR 2003/2004.

201. EXPRESSION OF THANKS BY IMMEDIATE PAST MAYOR:

Councillor Manoharan Dharmarajah congratulated the incoming Mayor, Councillor Mrs Champagnie, on her appointment to the Office of Mayor. He added that the office of the Mayor was a symbol of our community, a prestigious position with which comes great responsibilities and privileges. He added that as the servant of the Borough he

had attended nearly all the functions to which he had been invited.

He expressed his heartfelt thanks to his wife, Mrs Seedevi Dharmarajah, and his daughters for the wonderful support and encouragement they had given to him in his role as Mayor through the last year.

He offered his special thanks to the Mayoral staff, Mrs Ball, Mrs Gresty, Mr Deans and Mr Carlin and other staff for their support and guidance. They were a commendable team who had contributed so much to his Mayoral Year.

Councillor Dharmarajah also thanked the Borough Solicitor and the Democratic and Member Services' Manager for their assistance, guidance and advice relating to the Constitution and charring Council which, as a result, had not been as traumatic as he had originally envisaged.

In recalling his Mayoral Year, Councillor Dharmarajah 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 generosity and kindness of the people of the Borough and the welcome given everywhere to the Mayor and the sense of well-being he had derived from these occasions.

He added that the highlight of his Mayoral Year had been the visit by Her Majesty The Queen and His Royal Highness The Duke of Edinburgh to mark the 50th Anniversary of the Borough's Charter. He added that it had been a privilege to be the Mayor during the 50th Anniversary of Harrow's incorporation as a Borough. Additionally, the granting of the Freedom of the Borough to Sir Roger Bannister to mark the fiftieth anniversary of his 1954 world record mile run had been a joyous occasion.

In conclusion, Councillor Dharmarajah extended his thanks to the Council for the honour of being the Borough's Mayor in 2003/04 and offered his best wishes to the new Mayor and Mayor's Consort, Councillor Mrs Lurline Champagnie and Mr Clive Champagnie, for their Mayoral Year ahead. He also thanked the people of Harrow for making his Mayoral Year special.

202. PRESENTATION OF MEDALLIONS TO THE IMMEDIATE PAST MAYOR AND MAYORESS:

The Mayor, Councillor Mrs Champagnie, on behalf of the Council presented a replica of the Mayor's Medallion to Councillor Dharmarajah in commemoration of his Mayoralty of the Borough 2003/04.

The Mayor's Consort, Mr Clive Champagnie, presented to the immediate past Mayoress, Mrs Seedevi Dharmarajah, a Medallion to commemorate her year as Mayoress of the Borough 2003/04.

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

203. APPOINTMENT OF DEPUTY MAYOR AND DEPUTY MAYORESS:

The Mayor signified in writing that she had appointed **Councillor Asad Omar** to be Deputy Mayor for the Municipal Year 2004/2005.

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

The Mayor's Consort then invested the Deputy Mayoress, **Mrs Kausar Omar**, with her Medallion of Office.

The Deputy Mayor, Councillor Asad Omar, then returned thanks for his appointment.

204. CHAPLAINCY:

The Mayor confirmed to the Council that she had appointed the Reverend Clive Pearce as her Mayor's Chaplain for the Municipal Year 2004/05.

B ELECTION OF THE EXECUTIVE**205. 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 2004/2005.

206. 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 2004/2005.

207. 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 2004/05 BE NOTED AS FOLLOWS:

<u>Group</u>	<u>Leader</u>	<u>Deputy Leader</u>
Labour	Councillor Foulds	Councillor Navin Shah
Conservative	Councillor C Mote	Councillor D Ashton
Liberal Democrat	Councillor Miss Lyne	Councillor Thornton

208. EXECUTIVE FUNCTIONS 2004/2005:

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 5 on the Summons and the confirmation provided in a document circulated within the Supplemental Summons, it was,

RESOLVED:

THE EXECUTIVE FUNCTIONS FOR 2004/2005 BE APPROVED (as set out at Appendix 1 to these Minutes).

C PROCEDURAL MATTERS**209. COUNCIL MINUTES:**

RESOLVED:

THAT THE MINUTES OF THE PREVIOUS COUNCIL MEETING, HELD ON 29 APRIL 2004, BE DEFERRED UNTIL PRINTED INTO THE COUNCIL MINUTE BOOK.

210. 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 am on Sunday 27 June 2004.
- (2) Fiftieth Anniversary Garden Party at the Grimsdyke Hotel on Monday 21 June 2004.
- (3) Battle of Britain Thanksgiving Service on Sunday 19 September 2004.
- (4) Fiftieth Anniversary RAF Bentley Priory Freedom of the Borough March through Harrow on Friday 24 September in celebration of the Borough's 50th Anniversary.
- (5) Remembrance Day Service at the Civic Centre on Sunday 14 November 2004.

211. MAYORAL ANNOUNCEMENT: SPECIAL APPEAL 2004/05:

The Mayor, Councillor Mrs Champagnie, advised the Council that her Special Appeal for the forthcoming Municipal Year would be in aid of Save the Children.

The Mayor also advised the Council that she had been invited to be Patron of the West House and Heath Robinson Charity for 2004/05, a charity she intends to offer her unqualified support in her Mayoral Year 2004/05.

212. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL:

It was noted that there were no announcements to be made by the Leader of the Council.

213. 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.

214. PROCEDURAL MOTIONS:

It was noted that there were no procedural motions from Members of the Council.

D ESTABLISHMENT OF COMMITTEES AND DELEGATIONS 2004/05

215. ESTABLISHMENT OF AN AD-HOC AUDIT COMMITTEE:

There being consensus between the political groups that the Ad-hoc Audit Committee should comprise five members and be designated as non-proportionate, it was

RESOLVED:

THAT AN AUDIT COMMITTEE BE ESTABLISHED WITH THE FOLLOWING TERMS OF REFERENCE:

"To approve the Council's Statement of Accounts".

216. 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 2004/05.

RESOLVED:

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

217. APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES:

The Annual Council Meeting received in a Supplementary Summons further to Item 12 on the original Summons, confirmation of the nominations by the political groups to places on the Committees of the Council in accordance with the formal Determination as to the proportional entitlement of the Groups. In addition, the membership of the Audit Committee was received in the form of a paper tabled at the meeting.

RESOLVED:

THAT THE COMMITTEES OF THE COUNCIL BE ESTABLISHED WITH THE MEMBERSHIPS NOW AGREED FOR THE MUNICIPAL YEAR 2004-05 (as set out in Appendix 2 to these minutes).

[Note: The Annual Council meeting noted that the Panels of the Licensing and General Purposes Committee and the Sub-Committees of the Overview and Scrutiny Committee would be appointed at their special meetings scheduled to be held on Monday 17 May 2004].

218. APPOINTMENT OF CHAIRS TO COUNCIL COMMITTEES:

Further to Item 13 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. In addition, the Labour Group's nomination for the Chair of Audit Committee was received in the form of a paper tabled at the meeting.

Two of the appointments as Committee Chair were determined on a vote.

Councillors Idaikkadar and John Cowan were each nominated to be Chair of the Audit Committee: Councillor Idaikkadar was appointed.

Councillors Anne Whitehead and Marilyn Ashton were each nominated to be Chair of the Development Control Committee: Councillor Anne Whitehead was appointed.

RESOLVED:

THAT THE FOLLOWING CHAIRS OF COMMITTEES BE APPOINTED FOR THE MUNICIPAL YEAR 2004-05:-

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

[Notes: (1) The above appointments are also reflected in Appendix 2 of these Minutes – see Resolution 217 above.

(2) The Chair of the Cabinet is the Leader of the Executive (the Leader of the Council) as elected at Resolution 205 above.

(3) The Chair of the Standards Committee would be appointed at its first meeting, to include the two Independent Persons as part of the Committee's membership.

(4) A Chair of the School Organisation Committee and of the Standing Advisory Council on Religious Education is each required to be appointed respectively at a meeting of the School Organisation Committee and SACRE].

219. TERMS OF REFERENCE FOR COUNCIL COMMITTEES 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.

220. 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.

RESOLVED:

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

E COUNCIL MEETINGS**221. DATES OF COUNCIL MEETINGS 2004/05:****A. SCHEDULED MEETINGS:**

Further to the information provided at Item 16 of the Summons, it was

RESOLVED:

THAT THE FOLLOWING DATES FOR MEETINGS OF THE COUNCIL IN THE MUNICIPAL YEAR 2004/05 HEREBY BE CONFIRMED

21 OCTOBER 2004

20 JANUARY 2005 (COUNCIL TAX TAXBASE) (subject to any change to the current Constitution to delegate the statutory decision to the Executive)

24 FEBRUARY 2005 (COUNCIL TAX)

21 APRIL 2005

12 MAY 2005 (ANNUAL COUNCIL)

B. EXTRAORDINARY MEETING:

Further to the proposal at Item 16 of the Summons that an Extraordinary Council Meeting be convened for 24 June 2004, upon a vote this was not agreed.

RESOLVED:

THAT AN EXTRAORDINARY COUNCIL MEETING NOT BE CONVENED ON 24 JUNE 2004.

222. OUTSIDE BODY APPOINTMENTS 2004/05:

- (i) Item 17 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 2004/05.
- (ii) The nominations of the political Groups to places on outside bodies were notified in the circulated Supplemental Summons. In addition, corrections and appointments to vacancies in the places on outside bodies in the circulated Supplemental Summons and amendments from the Conservative Group were received in the form of a paper tabled at the meeting.
- (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>
2. Association of London Government Committees and Panels		

- | | | | |
|-----|---------------------------|------------------|-----------------------------------|
| (x) | Housing Panel | Deputy (Vacancy) | Deputy
(Councillor Ann Groves) |
| 31. | Hertfordshire Rural Forum | Councillor Blann | Councillor Seymour |
| 59. | Refugees into Jobs Board | Deputy (Vacancy) | Deputy
(Councillor Ismail) |

- (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 Deputies Cllr N Shah Cllr Dighé	Cllr C Mote Cllr D Ashton Cllr Romain
(iii)	Associated Joint Committee (ALG Grants Committee)	Appointee Cllr Thammaiah Deputies Cllr N Shah Cllr Omar Cllr Bluston Cllr Nana Asante	Cllr Joyce Nickolay Cllr Arnold Cllr Anjana Patel Cllr Marilyn Ashton Cllr John Cowan
(iv)	Associated Joint Committee (Transport and Environment Committee)	Appointee Cllr Anne Whitehead Deputies Cllr Blann Cllr Kinsey Cllr O'Dell Cllr Gate	Cllr Mrs Kinnear Cllr John Nickolay Cllr Harriss Cllr Arnold Cllr Kara
(vii)	Economic Development Panel	Appointee Cllr Burchell Deputy Cllr Dighé	Cllr Knowles Cllr Harriss
(viii)	Education Panel	Appointee Cllr Stephenson Deputy Cllr Ray	Cllr Miss Bednell Cllr Mrs J Mote
25.	Harrow Primary Care Trust Management Board	Observer Cllr Ann Groves	Cllr Silver
55.	North West London Strategic Health Authority – Continuing Care Criteria Review Panel	Cllr Ann Groves	Cllr Silver

The Council undertook a separate vote on the proposal in relation to each outside body as listed above. In all but one of these votes an equality was recorded for and against the amendment proposals. Upon there being an equality of votes, the amendment was not carried. In respect of "55. North West London Strategic Health Authority – Continuing Care Criteria Review Panel" the amendment was carried on the vote.

- (v) The substantive proposal, as varied at (iii) and (iv) above, was approved.

RESOLVED:

THAT THE SUBSTANTIVE MOTION AS TO THE OUTSIDE BODY APPOINTMENTS FOR THE MUNICIPAL YEAR 2004/05 (INCLUDING THE AGREED AMENDMENTS) BE APPROVED (the list of the appointments is attached as Appendix 3 to these Minutes).

223. CHANGES TO THE COUNCIL'S CONSTITUTION:

RESOLVED:

THAT CONSIDERATION OF THIS REPORT BE DEFERRED TO A FUTURE MEETING OF THE COUNCIL.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 9.32 pm).

This page is intentionally left blank

APPENDIX 1LONDON BOROUGH OF HARROWITEM 5 ON THE SUMMONSANNUAL COUNCIL MEETINGTHURSDAY 13 MAY 2004EXECUTIVE FUNCTIONS 2004/2005REPORT 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 unchanged: the existing delegations as set out in Part 3 of the Constitution continue).
Councillor Foulds (Kenton East)	Leader Strategy and External Affairs	No change
Councillor Navin Shah (Kenton East)	Deputy Leader Partnership and Property	No change
Councillor Burchell (Edgware)	Planning, Development, Housing and Best Value.	No change
Councillor Margaret Davine (Edgware)	Social Services	No change
Councillor Dighé (Kenton West)	Finance, Human Resources and Performance Management	No change
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)	-	-

(Note: The formal establishment of these Executive Side Panels was to be undertaken by the Cabinet at its meeting on 20 May 2004).

This page is intentionally left blank

APPENDIX 2(I) AUDIT COMMITTEE (5)

	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrats</u>
	(2)	(2)	(1)
<u>I.</u> Members	Idaikkadar (CH) Ingram	John Cowan Romain	Branch
<u>II.</u> Reserve Members	1. Gate 2. Ismail 3. Ray	1. Pinkus 2. Mrs Kinnear 3. D Ashton	1. Thornton 2. Miss Lyne

(II) DEVELOPMENT CONTROL COMMITTEE (11)

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

(CH)
(VC)

= Chair
= Vice-Chair

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

(III) LICENSING AND GENERAL PURPOSES COMMITTEE (11)

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

(CH)
(VC)

= Chair

= Vice-Chair

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

(IV) OVERVIEW AND SCRUTINY COMMITTEE (11)**Labour****Conservative****Liberal
Democrats****(6)****(5)****(0)****I.
Members**

**Blann
Mitzi Green*
Ann Groves
Ingram
Marie-Louise Nolan
Thammaiah**

**Jean Lammiman* (CH)
Osborn
Pinkus
Seymour
Versallion**

**II.
Reserve
Members**

1. Gate
2. Nana Asante
3. Lent
4. Lavingia
5. Toms
6. Omar

1. Myra Michael
2. Mrs Champagnie
3. Mary John
4. John Nickolay
5. Janet Mote

[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 Delegated 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. -

Other Representatives

(ii)	Church of England:	Rev P Reece	(Mr G Edwards - Alternate)
(iii)	Roman Catholic Church:	Mr J Coyle Mr M Murphy	Ms M Roe
(iv)	Learning and Skills Council	Ms E Yates	
(v)	Schools (Parents/Secondary):	Mrs C Millard	(Vacancy - Alternate)
	Schools (Parent/Primary):	Vacancy (Vacancy - Alternate)	(Vacancy) (Vacancy - Alternate)
	Schools (Headteacher):	Mrs M Arnold Mr D A Jones	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.]

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

(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	Branch
<u>II. Reserve Members</u>	1. Gate 2. Toms 3. Marie-Louise Nolan	1. Jean Lammiman 2. Osborn 3. Mrs Champagnie	1. Thornton 2. Miss Lyne
<u>III. Independent Persons</u>	Independent Persons (2):- (Reserves: Membership rules: 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.	Mrs Bijal Shah (VC) and Reverend Peter Broadbent, Bishop of Willesden Ms Judy Bertram and Mr Edward Keal).	

(Note: The Chair of the Standards Committee would be appointed at its first meeting).

This page is intentionally left blank

APPENDIX 3APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2004/05

	<u>NAME OF BODY</u>	<u>NO. OF REPS</u>	<u>REPRESENTATIVES for 2004/05</u>	
			<u>Appointee</u>	<u>Deputy</u> (Where applicable)
1.	(1) Age Concern London Conference	1	1. Ann Groves	N/a
	(2) Age Concern Harrow	2	1. Kara 2. Ann 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. Dighe
	(ii) Greater London Provincial Council	2 Deputies	N/a	<u>Deputies:</u> 1. Dighe 2. Stephenson
	(iii) Associated Joint Committee (ALG Grants Committee)	1 (+ 4 Deputies)	<u>Appointee:</u> 1. Thammaiah	<u>Deputies:</u> 1. N Shah 2. Omar 3. Bluston 4. Nana Asante
	(iv) Associated Joint Committee (Transport & Environment Committee)	1 (+ 4 Deputies)	<u>Appointee:</u> 1. Anne Whitehead	<u>Deputy:</u> 1. Blann 2. Kinsey 3. O'Dell 4. Gate
	(v) Culture & Tourism Panel	1 (+ 1 Deputy)	<u>Appointee:</u> 1. Ann Groves	<u>Deputy:</u> 1. Stephenson
	(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. Margaret Davine	<u>Deputy:</u> 1.Currie
	(x) Housing Panel	1 (+1 Deputy)	<u>Appointee:</u> 1. Burchell	<u>Deputy:</u> 1. Ann Groves
	(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. Stephenson	N/a
4.	Carequest Board	29 1	1.Staff	N/a

5.	Court of City University	1	Development and Training Officer 1. Stephenson	N/a
6.	Deputy Lord Lieutenant's Committee	5	1. The Mayor 2. The Deputy Mayor 3. Thornton 4. Mrs 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. Miss 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. Harriss 3. Mary John 4. O'Dell	<u>Reserves:</u> 1. Miles 2. Billson 3. Janet Cowan 4. Marie-Louise 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. Ann 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 (1 May 2003 – 30 April 2005) 2. Senior Adviser (Secondary) School Development Services (September 2001- August 2005)	N/a
17.	Harrow Community Trust	1 (+ Deputy)	<u>Appointee:</u> 1. Bluston	<u>Deputy:</u> 1.C Mote
18.	Harrow Council for Racial Equality	3	1. Dharmarajah 2. Ismail 3. John Nickolay	N/a
19.	Harrow Heritage Trust Executive Committee	4	1. Stephenson 2. Janet Mote 3.O'Dell 4.Versallion	N/a
20.	Harrow in Business (Enterprise Agency) - Board of Management	2	1.Bluston 2. Executive Director (Business Connections)	N/a
21.	Harrow in Europe Committee	5	1. Blann 2. Dharmarajah 3. Nana Asante 4. Knowles 5. Jean Lammiman	N/a
22.	Harrow Nature Conservation Forum	1	1. Blann	N/a
23.	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
24.	Harrow Police and Community Consultative Group	4	1. Janet Cowan 2. Thammaiah 3. Dharmarajah 4. C Mote	N/a
25.	Harrow Primary Care Trust Management Board	1	<u>Observer:</u> 1. Ann Groves	N/a
26.	Harrow Sports Council	3	1. Bluston 2. C Mote* 3. Miles (* to serve on Executive Committee)	N/a
27.	Harrow Town Centre Forum	3	1. Bluston 2. Burchell	N/a

			3. Mrs R Shah	
28.	Harrow Unified Mental Health Service Partnership Board	3 (+ Reserves)	<u>Appointees:</u> 1. Margaret Davine 2. Ann Groves 3. Silver	<u>Reserves:</u> 1. Mrs R Shah 2. Gate 3. Jean Lammiman
29.	Harrow Weald Common Board of Conservators	5	1. Mrs Ashton 2. Miss Lyne 3. Thornton 4. Toms 5. Anne Whitehead	N/a
30.	Harrow Young Musicians - Managing Body	2	1. Toms 2. Jean Lammiman	N/a
31.	Hertfordshire Rural Forum	1	1. Seymour	N/a
32.	Investigation of Air Pollution Standing Conference	2	1. Omar 2. Chief Environmental Health Officer	N/a
33.	John Pardoe Charity	4	1. Mrs C Bath 2. Miss Bednell 3. Mr M Carmody 4. Dharmarajah	N/a
34.	League of Friends of Northwick Park Hospital	1 (+ 1 deputy)	<u>Appointee:</u> 1. Mary John	<u>Deputy:</u> 1. Mrs A Diamond
35.	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. Anne Whitehead (1 July 2001 - 30 June 2005)	N/a
36.	Local Authorities Aircraft Noise Council	2	1. Omar 2. Chief Environmental Health Officer	N/a
37.	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. Miss Lyne
38.	Local Government Association - Urban Commission	2	1. Burchell 2. Director of Professional Services (Urban Living)	N/a
39.	Local Government Information Unit	1	1. Lent	N/a
40.	London Accident Prevention Council	32 3	1. Ismail	N/a

41.	London Arts Board Local Authority Forum	2 (+ non-voting officer)	2. Joyce Nickolay 3. Senior Road Safety Officer 1. Ann Groves 2. Stephenson Manager, Arts and Leisure Services	N/a
42.	London Borough of Harrow	4	1. Blann 2. Ismail 3. John Nickolay 4. Pinkus	N/a
	(a) Bus & Highways Liaison Meeting			
	(b) Rail Liaison Meeting	4	1. Blann 2. Choudhury 3. John Nickolay 4. Pinkus	N/a
43.	London Home and Water Safety Council	2	1. Romain 2. Chief Environmental Health Officer	N/a
44.	(i) London Housing Unit Committee	1 (+Deputy)	<u>Representative:</u> 1. Foulds (Leader)	<u>Deputy:</u> 1. Burchell
	(ii) London Housing Unit Executive Sub-Committee	1 (Deputy)	<u>Representative:</u> 1. Burchell	<u>Deputy:</u> 1. Choudhury
45.	London (North West) Valuation Tribunal	6	1. Branch (April 2001 - December 2006)	N/a
	[Note: Appointments are now made jointly with the London (North West) Valuation Tribunal]		2. Mr M Carmody (April 2004 - Dec 2009)	N/a
			3. Mr R Conway (April 2004 - Dec 2009)	N/a
			4. Mr S Giles-Medhurst (April 2004 - Dec 2009)	N/a
			5. Cllr. Miss Lyne (April 2004 - Dec 2009)	N/a
			6. Mr A L Mediratta (April 2004 - Dec 2009)	N/a
46.	London Youth Games	2 (+ Deputies)	<u>Appointees:</u> 1. Miles 2. Mr W North	<u>Deputies:</u> 1. Nana 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. Mrs G Branch 2. Mr Owen Cock 3. Mrs B Cripps	

			4. Mrs R Feakins	
48.	Middlesex Guildhall Collection and Trust Fund	6	1. D Ashton 2. Mrs C Bath* 3. The Mayor* 4. Gate 5. Harrison* 6. Manager (Arts and Leisure Services) * (* to serve on Executive Committee)	N/a
49.	Multi-Agency Forum on Racial Harassment	3 (+ 3 reserves)	1. Branch 2. Jean Lammiman 3. N Shah	1. Miss Lyne 2. Janet Cowan 3. Lavingia
50.	Museum of London Archaeology Service	2	1. Anne Whitehead 2. Library Services Manager	N/a
51.	National Council for One Parent Families	1	1. Ingram	N/a
52.	National Local Government Forum Against Poverty:			
	(i) National Meetings	1	1. Ann Groves	N/a
	(ii) Regional Meetings	1	1. O'Dell	N/a
53.	National Society for Clean Air & Environmental Protection	1	1. Chief Environmental Health Officer	N/a
54.	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
55.	North West London Strategic Health Authority – Continuing Care Criteria Review Panel	1	1. Silver	N/a
56.	Prince Edwards Playing Fields Trust	1	1. Burchell	N/a
57.	Promotion of Public Transport Group	4 (+ Reserves)	Members: 1. Blann 2. Choudhury 3. Kara 4. Mrs Kinnear	Reserves: 1. Harrison 2. Anne Whitehead 3. Joyce Nikolay 4. John Nickolay
58.	RAF Northolt Community Consultative Group	7 (+Deputies)	<u>Representatives:</u> 1. Currie 2. Gate 3. Miles 4. Branch 5. Arnold	<u>Deputies:</u> 1. Idaikkadar 2. Ray 3. Ingram 4. Thornton 5. Harriss

59.	Refugees into Jobs Board	1 (+ Reserve)	6. Anjana Patel 7. Mrs Kinnear 1. Nana Asante	6. Billson 7. Versallion 1. Ismail
60.	Relate Board of Trustees	3	1. Mrs R Shah 2. Margaret Davine 3. Jean Lammiman	N/a
61.	Reserve Forces and Cadets Association for Greater London	1	1. Thornton (Apr 2002 - March 2005)	N/a
62.	Richard Franklin Charity	2	1. John Cowan (May 2002 – April 2005) 2. Gate (May 2002 – April 2005)	N/a
63.	Sir Lancelot Lake Charity	2	1. John Cowan (June 2002 - May 2005) 2. Burchell	N/a
64.	Sir John Wolstenholme Charity	2	1. Mrs C Bath 2. Miss Bednell	N/a
65.	St Dominic's College	1	1. Gate	N/a
66.	Stanmore College	1	1. Margaret Davine	N/a
67.	Staying Put Scheme Advisory Committee	1	1. Mrs R Shah	N/a
68.	Trading Standards Service	3 (+ 1 Deputy for each)	<u>Appointees:</u> 1. Gate 2. Romain 3. Mrs Kinnear	<u>Deputies:</u> 1. Dharmarajah 2. Arnold 3. Harriss
69.	Victoria Hall, Harrow	1	1. Bluston	N/a
70.	Wealdstone Task Force	4 (+ Reserves)	<u>Appointees:</u> 1. O'Dell 2. Lavingia 3. Mrs Kinnear 4. Miss Lyne	<u>Reserves:</u> 1. Harrison 2. Kinsey 3. Harriss 4. Thornton
71.	West House and Heath Robinson Museum Trust	1	1. Burchell	N/a
72.	West London Alliance	2 (+1 Deputy)	<u>Appointee:</u> 1. Foulds 2. Chief Executive	<u>Deputy:</u> 1. N Shah N/a
73.	West London Waste Authority	1	1. Blann	N/a
74.	West London Waste Areas Landfill Tax Credit Panel	1	1. Blann	N/a

This page is intentionally left blank



MINUTES
of the
EXTRAORDINARY MEETING
of the
COUNCIL
of the
LONDON BOROUGH OF HARROW
held on
THURSDAY 24 JUNE 2004

Present: **The Worshipful the Mayor (Councillor Lurline Champagne)**
 The Deputy Mayor (Councillor Asad Omar)

Councillors:

R. Arnold
Nana Asante-Twumasi
Mrs Marilyn Ashton
Mrs Camilla Bath
Miss C A Bednell
F. Billson
Alan Blann
H. Bluston
J. Branch
K. Burchell
M. Choudhury
Mrs Janet Cowan
John Cowan
Bob Currie
Margaret Davine
M. Dharmarajah
Sanjay Dighé
A.T. Foulds

Brian Gate
Mitzi Green
Ann Groves
C. Harrison
C. Harriss
T. Idaikkadar
M. Ingram
N. Ismail
Mary John
Mrs E.M. Kinnear
M. Kinsey
D. Lavingia
A. Lent
Miss Paddy Lyne
Myra Michael
Jerry J. Miles
Vina Mithani
Chris Mote

Mrs Janet Mote
J.W. Nickolay
Mrs Joyce Nickolay
Marie-Louise Nolan
Phillip O'Dell
Anjana Patel
A. Pinkus
R. Ray
R.D. Romain
Navin Shah
Mrs Rajeshri Shah
Bill Stephenson
Keekira Thammaiah
S. Thornton
Keith Toms
A.E. Whitehead
G.G.V. Williams

A OPENING PROCEEDINGS**224. OPENING ADDRESS FROM THE MAYOR:**

The Mayor welcomed Members to the Meeting and congratulated Councillor Dharamarajah on recently becoming a grandfather.

225. TRIBUTE TO GERRY HARSANT:

Leonard Gerald Charles Harsant had died on 17 May. Major Harsant had been a Councillor of the London Borough of Harrow between 1986 and 1994 and had served as Deputy Mayor in 1991/92 and as Mayor of the Borough for 1992/3. The Mayor requested the Council to mark their respect for the memory of Gerry Harsant. The Council stood and observed a minute's silence.

B PROCEDURAL MATTERS**226. DECLARATIONS OF INTEREST:**

It was noted that there were no declarations of interests on behalf of Members with regard to the business to be transacted at this Council Meeting.

C RECOMMENDATION FROM CABINET**227. CABINET (24 JUNE 2004): RECOMMENDATION I: REPLACEMENT HARROW UNITARY DEVELOPMENT PLAN - CONSIDERATION OF REPRESENTATIONS ON THE PROPOSED MODIFICATIONS AND ADOPTION OF THE PLAN:**

Further to Item 2 on the Summons, the Council received Recommendation 1 from the Cabinet meeting of 24 June 2004 on this matter.

- (i) The Leader of the Council, Councillor Foulds deferred to the Portfolio Holder for Planning, Development, Housing and Best Value, Councillor Burchell, who formally moved this Recommendation, with Councillor N Shah seconding;
- (ii) Councillor Marilyn Ashton moved and Councillor C Mote seconded an amendment to the Recommendation in the following terms:

Paragraph (1): delete opening word "That" and substitute "To agree"
delete the final words "be agreed" and substitute "be referred back to Cabinet for further consideration"

Paragraph (2): insert the opening words "to agree"
delete the word "no"
delete the word "were" and substitute "are"

Paragraph (3): insert the opening words "to agree"
delete the word "was" and substitute "is"

Paragraph (4): to delete all words preceding "to adopt" and to substitute "to agree that the Council does not proceed".

Reason: delete the Reason for Recommendation note.

The amended Recommendation would then read in full as follows:-

- "(1) To agree the suggested Council responses to the representations made on the proposed modifications to the replacement Harrow Unitary Development Plan be referred back to Cabinet for further consideration;
- (2) to agree that further modifications to the replacement Harrow Unitary

Development Plan are required;

- (3) to agree that it is the Council's opinion that the replacement Harrow Unitary Development Plan is in general conformity with the London Plan; and
 - (4) to agree that the Council does not proceed to adopt the Replacement Harrow Unitary Development Plan".
- (iii) Upon a vote, the amendment, as set out at (ii) above, was not carried;
 - (iv) The Leader of the Council, as Chair of the Cabinet, then moved, further to Council Procedure Rule 17.7, that the Recommendation be altered to adopt the change of wording to paragraph (3) in the lost amendment, which proposal received the assent of the Council;
 - (v) The substantive Recommendation, subject to the alteration of paragraph (3), was, upon a vote, carried in the following form:

RESOLVED:

(1) THAT THE SUGGESTED COUNCIL RESPONSES TO THE REPRESENTATIONS MADE ON THE PROPOSED MODIFICATIONS TO THE REPLACEMENT HARROW UNITARY DEVELOPMENT PLAN BE AGREED;

(2) THAT NO FURTHER MODIFICATIONS TO THE REPLACEMENT HARROW UNITARY DEVELOPMENT PLAN ARE REQUIRED;

(3) TO AGREE THAT IT IS THE COUNCIL'S OPINION THAT THE REPLACEMENT HARROW UNITARY DEVELOPMENT PLAN IS IN GENERAL CONFORMITY WITH THE LONDON PLAN; AND

(4) THAT, SUBJECT TO THE PUBLICATION OF THE RELEVANT STATUTORY NOTICES, IT BE AGREED THAT THE COUNCIL NOW PROCEED TO ADOPT THE REPLACEMENT HARROW UNITARY DEVELOPMENT PLAN.

Reason for Decision: To expedite adoption of the replacement Harrow Unitary Development Plan after completion of all statutory procedures.

[Notes: (i) During the course of the debate on the amendment to the above Recommendation, Councillor Miss Bednell moved, under the provisions of Council Procedure Rule 17.10 (d) "that the question now be put". Upon a vote, this was carried;

(ii) Councillors Arnold, Marilyn Ashton, Mrs Bath, Miss Bednell, Billson, Janet Cowan, John Cowan, Harriss, Mary John, Mrs Kinnear, Myra Michael, Vina Mithani, C Mote, Janet Mote, John Nickolay, Mrs Joyce Nickolay, Anjana Patel, Pinkus and Romain left the Council Meeting at this time;

(iii) The meeting then moved to a vote on that amendment;

(iv) Councillor Williams wished to be recorded as having abstained from voting on the amendment set out above and on the substantive Recommendation (as altered)].

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 8.24 pm).

This page is intentionally left blank

ITEM 9

**COUNCIL
21 OCTOBER 2004**

CABINET RECOMMENDATION

**(1) 20 MAY 2004 - REC. I: Financial Regulations and
Contract Procedure Rules**

This page is intentionally left blank

REPORT OF CABINET

MEETING HELD ON 20 MAY 2004

- 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

RECOMMENDATION I - Key Decision - Financial Regulations and Contract Procedure Rules

Members noted that, in accordance with the Council's Constitution, "the management of the Council's financial affairs will be conducted in accordance with the Financial Regulations and Standards" and "every contract made by the Council will comply with the Contracts Procedure Rules". The current Financial Regulations and Contract Procedure Rules were added to the Constitution in September 2002 and had now been reviewed and revised and were submitted for Members' consideration.

Cabinet noted the revised recommendations circulated on the supplemental agenda and the tabled summary of comments and amendments by the Budget Review Working Group.

Cabinet, having approved the Financial Regulations and Contracts Procedure Rules, subject to the incorporation of the recommendations of the Budget Review Working Group, and delegated authority to the Portfolio Holder for Finance and Human Resources and Performance Management to approve the final version of the Regulations and Rules

Resolved to RECOMMEND:

That the Financial Regulations and Contracts Procedure Rules be added to the Constitution in place of the existing Financial Regulations and Standards and Contract Procedure Rules (dated September 2002) once finalised and approved by the Portfolio Holder for Finance and Human Resources and Performance Management.

Reason for Recommendation: To ensure that the Council had effective governance arrangements in place.

This page is intentionally left blank



CONTRACT PROCEDURE RULES

A Brief Guide to Contract Procedure Rules

Contract Procedure Rules promote good purchasing practice and public accountability and deter corruption, which is a criminal offence.

Following the rules is the best way to achieve value for money and the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for purchasing or disposal must comply with these Contract Procedure Rules, which lay down minimum requirements. A more thorough procedure may be appropriate for a particular contract.

Officers must:

- follow the Contract Procedure Rules when purchasing goods or services or ordering building work.
- take all necessary procurement, legal, financial and professional advice.
- declare any personal or financial interest in a contract. There is more detailed information contained within the officers' code of conduct.
- plan their procurement to allow sufficient time for submission of quotations or tenders and evaluation.
- keep quotations and tenders confidential.
- complete a written contract or council order before the supply or works begin.
- keep records of dealings with suppliers.
- assess each contract afterwards to see how well it met the purchasing need and whether it delivered value for money.
- only work within delegated authority levels.

These Contract Procedure Rules shall be reviewed and updated on a regular basis.

1. GLOSSARY OF DEFINITIONS

“Annual Procurement Plan”	A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of tendering opportunities.
“Council”	Harrow Council
“Award Criteria”	The criteria by which the successful quotation or tender is to be selected
“Award Procedure”	The procedure for awarding a contract.
“Best Value”	The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.
“Best Value For Money”	The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”.
“Bond”	An insurance policy. If the contractor does not do what it has promised to under a contract within the Council, the Council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the contractor’s failure.
“Chief Financial Officer”	The Director of Financial and Business Strategy is the Council’s Chief Finance Officer, under section 151 of The Local Government Act 1972.
“Code of Conduct”	The code regulating conduct of Officers issued by the Chief Executive.
“Contracts Register”	A register held and maintained by the Council containing details of contracts entered into by the Council.
“Contract Procedure Rules”	The rules required in accordance with section 135 of the Local Government Act 1972 (‘the Rules’)

“Contracting Decision”	<p>Any of the following decisions:</p> <ul style="list-style-type: none"> • Withdrawal of invitation to tender • Whom to invite to submit a quotation or tender • Shortlisting • Award of contract • Any decision to terminate a contract
“EU Procedure”	The procedure required by the EU where the total value exceeds the EU threshold.
“EU Threshold”	The threshold at which EU public procurement directives must be applied if expected to be exceeded by the total value. (Until 31 December 2005 the thresholds are £153,376 (€236,945) for the supply of goods or services and £3,834,411 (€5,923,624) for building and engineering works contracts.)
“Framework Agreement”	An agreement which allows an Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Council to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed.
“ITT”	Invitation to Tender.
“Line Manager”	The Officer’s immediate superior or the Officer designated by the Executive Directors and Directors to exercise the role reserved to the line manager by these Contract Procedure Rules.
“Nominated Suppliers and Sub-Contractors.”	Those persons specified in a main contract for the discharge of any part of that contract.
“Non-Commercial Consideration”	<p>matters which are set out in S 17(5) of the Local Government Act 1988 as below that are not relevant to the decision to award a contract. In particular:</p> <p>(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or other opportunities afforded to their workers</p>

- (b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.
- (c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.
- (d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons.
- (e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
- (f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.
- (g) Financial support or lack of financial support by contractors for any institution to or from which the Council gives or withholds support.
- (h) Use or non-use by contractors of technical or professional services provided by the *Council* under the Building Act 1984.

Sub Paragraphs a) and d) cease to be non-commercial matters in certain circumstances in relation to Best Value authorities. Guidance should be sought from the Borough Solicitor

“Officers”	A person with appropriate delegated authority to act on the Council’s behalf.
“OJEU”	Official Journal of the European Union.
“Open Procedure”	All suppliers are invited to tender in response to advertisement.
“Parent Company Guarantee”	A contract which binds the parent of a subsidiary company as follows; if the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.
“PIN”	Prior Information Notice for publication in OJEU.
“Quotation”	A quotation of price and any other relevant matter (without the formal issue of an ITT).

“Regulations”	The UK regulations implementing the EU public procurement directives.
“Shortlisting”	Where suppliers are selected: <ul style="list-style-type: none"> • To quote or tender, or • To proceed to final evaluation
“Supplier”	Any person or body of persons providing, or seeking to provide, supplies, services or works to a Council.
“Tender”	A candidate’s proposal submitted in response to an ITT that is open for acceptance by the Council and cannot be withdrawn by the tenderer within a period specified by the Council
“Total Value”	<ul style="list-style-type: none"> • The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal. • Whether or not it comprises several lots or stages or spans a number of years e.g. where there is will be a term of the contract providing for a additional years after the initial period the value is for the total possible period. • To be paid or received by the Council or a discrete operational unit within the Council.
“TUPE”	The Transfer of Undertakings (Protection of Employment) Regulations 1981
“Waiver Form”	The form issued by the Procurement Team to approve a procurement outside these rules.

Contents

Section 1 – Scope of Contract Procedure Rules

1. Basic principles
2. Officer responsibilities
3. Competition requirements for purchase, disposal and partnership arrangements
4. Waivers of Contract Procedure Rules
5. Relevant contracts

Section 2 – Common Requirements

6. Steps prior to purchase
7. Records and debriefing candidates
8. Sourcing Suppliers

Section 3 – Conducting a Purchase and Disposal

9. Pre-tender market research and consultation
10. Standards and Award Criteria
11. Invitations to tender/quotations
12. Shortlisting
13. Submission, receipt and opening tenders
14. Clarification procedures and post-tender negotiation
15. Evaluation and award of contract

Section 4 – Contract and Other Formalities

16. Contract documents
17. Bonds and parent company guarantees
18. Prevention of corruption
19. Declaration of interests

Section 5 - General

20. Post-contract monitoring and evaluation

Section 6 – Appointment of Consultants

Further advice is available from

Corporate Procurement Unit: _____

Borough Solicitor: _____

Internal Audit: _____

Section 1

Scope of Contract Procedure Rules

1. Basic Principles

Purchasing and disposal procedures must:

- achieve best value for public money spent
- be consistent with the highest standards of integrity
- ensure fairness in allocating contracts
- comply with all legal requirements, including EU Procedures
- ensure that Non-Commercial Considerations do not influence any Contracting Decision
- comply with the Council's corporate and departmental aims and policies
- support the Council's methodology and procurement strategy.

2. Officer Responsibilities

2.1. The Officer responsible for purchasing or disposal must comply with these Contract Procedure Rules, Financial Regulations, Code of Conduct and with all UK and European Community binding legal requirements.

2.2 The Officer must keep the records required by Contract Procedure Rule 7.

2.3 Tender procedures must be conducted in compliance with procedures set out in the Invitation to Tender.

2.4 Officers must also ensure that agents, consultants, and contractual partners acting on their behalf also comply with these Rules

2.5 Officers must take all necessary procurement, legal, financial and professional advice.

2.6 Contract Procedure Rules must be complied with strictly. They are minimum requirements. A more thorough procedure may be appropriate for a particular contract.

(For example, if Contract Procedure Rule 3.2 would normally require that quotes be obtained, it might be appropriate in the particular circumstances to seek formal tender submissions. Equally it may not always be appropriate to make use of an exemption under Contract Procedure Rule 4 even if one might apply or be granted).

2.7 **Executive Directors and Directors Responsibility:**

2.8 Ensure that their staff comply with Contract Procedure Rule 2 and keep a register of contracts completed by signature (rather than by the Council's seal) and any exemptions recorded under Contract Procedure Rule 4.

2.9 The Borough Solicitor should keep original of sealed contracts. Executive Directors and Directors are responsible for the safekeeping of all other original contracts on Council premises.

3 Competition Requirements for Purchase, Disposal and Partnership Arrangements

3.1 The Officer must calculate the Total Value. An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Procedure Rules. EU Regulations prohibit packaging into separate contracts in order to avoid the application of the Regulations.

3.2 Purchasing – competition requirements

Where the Total Value for a purchase is within the values in the first column below, the Award Procedure in the second column must be followed. Where required elsewhere in these Rules short listing shall be undertaken by the persons specified in the third column.

Total Value	Award Procedure	Shortlisting
Below £5,000	Two written Quotations (faxed or emailed quotations are acceptable)	Officer
£5,000 - £50,000	Receive three written Quotations (faxed or emailed quotations are acceptable)	Officer and Line Manager
£50,000 - £100,000	Receive tenders from at least three Candidates. Advertising is recommended	Officer and Line Manager Consult the Corporate Procurement Team to determine the method of conducting the purchase
Above £100,000	EU Procedure or, where this does not apply, receive tenders from to at least four candidates. Advertising is recommended.	Consult the Corporate Procurement Team to determine the method of conducting the purchase.

Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited. Supporting documentation must be retained on file to show that all qualified candidates have been invited to bid.

3.3 The above table indicates the minimum requirements. Officers are strongly recommended to advertise contracts on the Council's website and any appropriate national press and or trade journals in order to

encourage greater diversity and competition.

- 3.4 Where the EU Procedure is required, the Officer shall consult the guidance on the EU procedure rules and formally consult with the Corporate Procurement Team to determine the method of conducting the purchase.
- 3.5 Providing services to external purchasers must be in compliance with the Local Authority Goods and Services Act. Cabinet approval must be sought for the provision of services to other public bodies and the relevant Financial Regulation complied with.
- 3.6 Best Value and partnership arrangements are subject to all UK and EU procurement legislation and must follow these Contract Procedure Rules. If in doubt, Officers must seek the formal advice of the Borough Solicitor in writing.

4. Waivers of Contract Procedure Rules

- 4.1 The following contracts are exempt from the requirements of these Contract Procedure Rules:
- employment contracts
 - contracts relating solely to the disposal or acquisition of an interest in land.

Special rules apply to care contracts. The Executive Director - People First, in consultation with the Director of Finance and Business Strategy and the Procurement Manager, shall prepare a departmental procedure for such contracts

Waivers are not permitted under EU procedures but there are exemptions within the Regulations . Advice should be sought from the Borough Solicitor where it is intended to rely on any such exemption.

- 4.2 Apart from those covered by 4.1 above, waivers of any of these Contract Procedure Rules shall only be given with prior written approval from the Executive Director or Director and the Procurement Manager or Director of Financial and Business Strategy. The Procurement Team will maintain a register of all waivers granted. Periodic reports on all waivers and exemptions will be made to the Overview and Scrutiny Committee.
- 4.3 Where an exemption or waiver is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, Executive Directors and Directors may approve the exemption but they must notify the Procurement Manager or Director of Financial and Business Strategy as soon as possible.

5. Relevant Contracts

5.1 All Relevant Contracts must comply with these Contract Procedure Rules.

5.2 A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of work or for the supply of goods, materials or services. These include arrangements for:

- the supply or disposal of goods
- hire, rental or lease of goods or equipment
- execution of works
- the delivery of services, including those related to:
 - the recruitment of agency staff
 - land and property transactions
 - financial and consultancy services.

Section 2 Common Requirements

6. Steps Prior To Purchase

6.1 Prior to any purchase, the Officer responsible for it must, in a manner commensurate with the complexity and value of the purchase:

- take into account the requirements from any Best Value review
- consult with the Corporate Procurement Team to ensure that a contractual arrangement is not already in place, ie. Framework Agreement for low value goods, services or works.
- appraise the need for the expenditure and its priority
- be clear as to the objectives of the purchase
- assess the risks associated with the purchase and how to manage them
- consider what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing through the Corporate Procurement Team, packaging strategy and collaboration with other purchasers, partnering and long-term relationships
- determine whether EU procedures apply
- consult users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring
- select the most appropriate procurement method.

And confirm that:

- there is an approved budget for the expenditure and delegated authority to act
- prior information notices, if required in accordance with EU Procedures, have been sent

6.2 In all instances the 'Formal Record of Quotation/Tendering Process' must be completed at each stage of the process and retained on file with all supporting documentation.

6.3 It is essential that the relevant contract terms and conditions are selected and a clear brief or specification is drawn up for the work before the procurement commences. This should include any relevant equalities or environmental issues.

7. Records and Debriefing Candidates

7.1 In all cases, the Council's Formal Record of Quotation/Tendering Process must be completed and retained in accordance with the relevant notes of guidance.

7.2 Where the Total Value is less than £50,000, the following documents must be kept:

- any quotations or tenders received
- clarification and post-tender negotiation (to include minutes of meetings)
- a record:
 - of any exemptions and reasons for it
 - of the reason if the lowest price is not accepted
 - written records of communications with the successful contractor.

7.3 Where the Total Value exceeds £50,000, the Officer must record:

- the method for obtaining tenders (see Contract Procedure Rule 3.2)
- any Contracting Decision and the reasons for it
- any exemption under Contract Procedure Rule 4 together with the reasons for it
- the Award Criteria
- tender documents sent to and received from candidates
- pre-tender market research
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- written records of communications with candidates and with the successful contractor throughout the period of the contract.

7.4 Written records required by this Contract Procedure Rule must be kept for six years (12 years if the contract is under seal) after the final settlement of the contract. However, documents which relate to unsuccessful Candidates may be microfilmed or electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.

7.5 Candidates must be notified simultaneously in writing and as soon as possible of any Contracting Decision. If a Candidate requests in writing the reasons for a Contracting Decision, the Officer must give the reasons in writing within 15 working days of the request (see further Contract Procedure Rule 15.5).

8. Sourcing Suppliers

8.1 The appropriate Executive Directors and Directors shall be responsible for ensuring that all persons or bodies invited to quote or tender for the supply of goods, services or works to the Council have been suitably assessed. The assessment process shall establish that the potential suppliers have sound:

- economic and financial standing, and
- technical ability and capacity to fulfil the requirements of the Council.

This may be achieved in respect of proposed contracts by selecting firms from:

- a) Office of Government Commerce listed suppliers, i.e. G-CAT and S-CAT
- b) Standing lists of providers, maintained by the Council or on its behalf, and compiled following responses to a public advertisement, or
- c) A shortlist of contractors assessed from expressions of interest in a particular contract submitted in response to a public advertisement.

8.2 Officers should advertise quotation and tender opportunities to develop diverse and competitive sources of supply, including procurement from small firms, ethnic minority businesses, social enterprises and voluntary and community organisations.

8.3 Joint Procurement:

Any joint procurement arrangement with other Local authorities or public bodies including membership or use of Purchasing Consortia shall be approved by the Procurement Manager prior to the commencement of any procurement on behalf of the Council.

Section 3

Conducting a Purchase and Disposal

9. Pre-tender Market Research and Consultation

The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of a Request for Quotation or the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition, and
- should seek advice from the Corporate Procurement Unit.
- there are special issues in relation to contact with prospective suppliers prior to tender for EU procurement.

10. Standards and Award Criteria

10.1 The Officer must ascertain what are the relevant British, European or international standards which apply to the subject matter of the contract. The Officer must include those standards that are necessary properly to describe the required quality. The Borough Solicitor must be formally consulted before any Officer decides to use standards other than European standards.

10.2 The Officer must define and document Award Criteria that are appropriate to the purchase, before tenders are sought. Award Criteria must be designed to secure an outcome giving best value for money for the Council. The basic criteria shall be:

- 'lowest price' where payment is to be made by the Council
- 'highest price' if payment is to be received, or
- 'most economically advantageous' offer (where considerations other than purchase price also apply).

If the last criterion is adopted, it must be further defined by reference to sub-criteria. Sub-criteria may refer only to relevant considerations. These may include price, service, quality of goods, running costs, whole life cycle costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, partnering, long-term relationships, and any other relevant matters.

- 10.3 Award Criteria must not include:
- Non-Commercial Considerations
 - Matters which discriminate against suppliers under the regulations or signatories to the Government Procurement Agreement
 - Matters which are anti-competitive within the meaning of the Local Government Act 1988.

11. Invitations to Tender/Quotations

11.1 Template documents are available from the Corporate Procurement Team.

11.2 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender. Save where an exemption is given in accordance with Rule 4 no Tender delivered in contravention of this clause shall be considered.

11.3 All Invitations to Tender shall include the following:

- A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers.
- A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
- Notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
- A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.
- A stipulation that any Tenders submitted by fax or other electronic means shall not be considered (to be reviewed in line with eGovernment directives).
- The method by which any arithmetical error discovered in the submitted tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.

11.4 All Invitations to Tender or Quotation must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Contract Procedure Rule 16).

11.5 Where there is a possibility that Tupe may apply the Invitation to Tender should give relevant information.

11.6 The Invitation to Tender or Quotation must state that the Council is not bound to accept any Quotation or Tender.

11.7 All Candidates invited to Tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

12. Shortlisting

12.1 Where a open procedure tendering process is being conducted suppliers will submit financial and technical information alongside a detailed response to the specification. The evaluation should encompass all the relevant information.

12.2 Where a restricted procedure process is being conducted, potential suppliers will complete a pre-qualification questionnaire. This should be evaluated with regard to financial and technical standards relevant to the contract in order to draw up shortlist – the suppliers on the shortlist are then invited to submit a full tender. The full tender is then evaluated against the specification for the contract.

12.3 Special rules apply in respect of the EU Procedure. Consult the Corporate Procurement Team.

12.4 The Officers responsible for Shortlisting are specified in Contract Procedure Rule 3.2.

13. Submission, Receipt and Opening of Tenders

13.1 Period for Candidates' response:

Candidates invited to respond must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the urgency of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders.

The EU Procedure and law relating to Best Value lay down specific time periods.

13.2 All formal Tenders over £50,000 must be returned to the Borough Solicitor and must bear no external identifying markings that would enable identification of the tenderer.

13.3 Tenders by fax or other electronic means must be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Council.

13.4 The Borough Solicitor shall be responsible for the safe-keeping of Tenders until opening, Receipt of each Tender must be:

- date-stamped
- initialled by the receiving Officer
- logged immediately upon receipt in the Tender Record Book.

13.5 The Borough Solicitor must ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his representative must be present together with at least one officer representing the Borough Solicitor.

13.6 Upon opening, a summary of the main terms of each Tender must be recorded on the formal record of Quotation/Tendering Process. The form must be signed on behalf of the Borough Solicitor.

14. Clarification Procedures and Post-Tender Negotiation

14.1 Providing clarification of an Invitation to Tender to all potential or actual Tenders or seeking clarification of a Tender whether in writing or by way of a meeting is permitted.

14.2 Post-tender negotiation means negotiations with a tenderer after submission of a Tender and before the award of the contract with a view to obtaining adjustments in both price and content. Negotiations are not permitted under E U procedures save in respect of the Negotiated and Competitive Dialogue Procedures

Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

14.3 If post-tender negotiations are necessary after a open or restricted tender procedure or after the Tender of a restricted procedure, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best Tender. Tendered rates and prices shall only be adjusted in respect of corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Executive Directors and Directors to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing. Tenders under the Institute of Civil Engineers terms do not permit post tender negotiations.

14.4 Procedure

- Post-tender negotiation must only be conducted in accordance with the guidance issued by the Borough Solicitor and Corporate Procurement Team.
- The Corporate Procurement Team must be formally consulted wherever it is proposed to enter into post-tender negotiation except for contracts below £5000
- Negotiations must be conducted by a team of at least two Officers, one of whom must be from a service area independent to that leading the negotiations.

15. Evaluation and Award of Contract

15.1 Apart from the notification required or permitted by Contract Procedure Rule 15.5:

- confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times
- information about one Candidate's response must not be given to another Candidate.

15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria.

15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

15.4 Executive Directors and Directors shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

- 15.5 The Officer should debrief in writing all those Candidates who submitted a Tender or quotation about the reasons why they were unsuccessful and the characteristics and relative advantages of the successful Candidate, as appropriate. This should normally include how the Award Criteria were applied, but without disclosing names of tenderers.

The same information may be given to those who responded in any pre-tender selection process.

No other information should be given without taking the formal advice of the Borough Solicitor.

- 15.6 If requested, the Officer shall within 15 working days give the notification information required by Contract Procedure Rule 15.5 to Candidates who were deselected in the pre-tender Short-listing process.

- 15.7 Executive Directors and Directors may accept quotations and Tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these Contract Procedure Rules.

Section 4

Contract and Other Formalities

16. Contract Documents

16.1 All relevant contracts should be evidenced in writing (except where purchasing cards are used) and those that exceed £50,000 shall be in writing signed on behalf of the Council and contractor.

16.2 All relevant contracts, irrespective of value, shall clearly specify:

- the works, materials, services, matters or things to be furnished, had or done (description and quality)
- the price to be paid, with a statement of any discounts or other deductions (amount and timing), and
- the time, or times, within which the contract is to be performed.

The Council's official order form or standard terms and conditions must be used.

Any amendments to the goods, service or works not covered by the official order or contract must be confirmed in writing and then authorised by the appointing Officer.

Any additional goods, services or works not contained within the original specification or brief should then be subject to these same Contract Procedure Rules.

16.3 In addition, every relevant contract of purchase over £50,000 must also as a minimum state clearly:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- data protection requirements if relevant
- compliance with equal opportunities policies
- (where agents are used to let contracts) that agents must comply with the Council's Contract Procedure Rules relating to contracts
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.

16.4 The formal advice of the Borough Solicitor must be sought for the following contracts:

- where the Total Value exceeds £100,000
- those involving leasing arrangements
- those which are non standard in any other way
- where it is proposed to use a supplier's own terms.

16.5 Contract Formalities

16.5.1 Agreements shall be completed as follows (subject to delegated financial limits):

Total Value	Method of Completion	By
Up to £5,000	Signature	Officer (see Contract Procedure Rule 16.5.2)
£5,000 to £50,000	Signature	Line Manager
£50,001 to £100,000.	Signature	Executive Directors and Directors (see Contract Procedure Rule 16.5.2)
Above £100,000	Sealing	See Contract Procedure Rule 16.5.3

All contracts must be concluded before the supply, service or construction work begins, except with the written consent of an Executive Director or Director.

Where, following receipt of a tender, a letter accepting the tender is required the letter must include a list of the documents to be included in the final contract, eg the ITT and agreed changes to Conditions of Contract, and be signed by an Executive Director or Director

Letters of intent shall only be used in exceptional circumstances Legal advise should be sought as appropriate.

16.5.2 Signature

The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has delegated authority to bind it.

16.5.3 Sealing

A contract must be sealed where:

- the Council wishes to enforce the contract for more than six years after its end, or
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services, or
- where there is any doubt about the authority of the person signing for the other contracting party, or

- where the Total Value is expected to exceed £100,000.

17. Bonds and Parent Company Guarantees

17.1 The Officer must consult the Chief Financial Officer. about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company, and:

- the Total Value exceeds £250,000, or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate, and
-

about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

18. Prevention of Corruption

18.1 Officer's must comply with the Council's Code of Conduct and the Anti-Fraud and Corruption Strategy and must not invite or accept any gift, reward or inducement in respect of the award or performance of any contract.

It will be for the Officer to prove that anything received was not received corruptly.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Contract Procedure Rule 18.2.

18.2 The following clause must be put in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- a) Offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
- b) Commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or
- c) Commit any fraud in connection with this or any other Council

contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause."

19 Declaration of Interests

- 19.1 If it comes to the knowledge of an employee of the Council that a contract in which he or she has a pecuniary interest whether direct or indirect has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Borough Solicitor and the particulars shall be entered in to a register. The register is open to inspection by Members. Full details are contained within Part 5 of the Constitution.
- 19.2 Members are also under an obligation to disclose financial and other interests in accordance with the Constitution

Section 5 General

20. Post-Contract Monitoring and Evaluation

During the life of the contract the Officer must monitor in respect of

- Performance
- Compliance with specification and contract
- Cost
- Any Best Value requirements
- User satisfaction and risk management.

21 Corporate Procurement Team

Further advice and clarification should be sought from the Corporate Procurement Team when Officers need any assistance in adhering to these Contract Procedure Rules.

Such as;

- Development of Procurement and Business Case
- Risk Management
- Negotiation Procedures
- Prequalification criteria
- Evaluation criteria / teams / processes
- Failure to achieve acceptable levels of quotations and tenders
- Record keeping and document retention
- Debriefing unsuccessful tenderers
- Documentation, authorisation and review of waivers
- Contracts where the transfer of staff is involved
- Operation of a contracts register
- Framework agreements
- Extension of Contracts
- Approved lists
- eProcurement / Purchasing Cards
- Plus – declaration of interests, inducements, partnership, joint procurement, pre-tender consultation, EU procedures

Section 6

Appointment of Consultants

Appointment of Consultants

Any consultant used by the Council shall be appointed in accordance with these Contract Procedure Rules.

The engagement of consultant architects, engineers and surveyors or other professional consultants including Counsel shall be subject to completion of a formal letter, contract of appointment or brief.

Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant Executive Directors and Directors for the periods specified in the respective agreement. The minimum level of indemnity recommended is £1m per occurrence or series of occurrences arising out of the same incident.

Records of consultancy appointments shall be maintained in accordance with Contract Procedure Rule 7.

ITEM 10

**COUNCIL
21 OCTOBER 2004**

CABINET RECOMMENDATION

**(1) 29 JULY 2004 - REC. I: Service and Financial Planning
Process 2005-06 to 2007-08**

This page is intentionally left blank

REPORT OF CABINET

MEETING HELD ON 29 JULY 2004

Chair: † Councillor Foulds

Councillors: * D Ashton
* Burchell
* Margaret Davine
† Dighé
* Miss Lyne

* C Mote
* O'Dell
* N Shah
* Stephenson

* Denotes Member present
† Denotes apologies received

PART I - RECOMMENDATIONS

RECOMMENDATION I - Service and Financial Planning Process 2005-06 to 2007-08

Cabinet considered a joint report of the Director of Organisational Performance (Organisational Development) and the Director of Financial and Business Strategy (Business Connections) on the Service and Financial Planning Process 2005-06 to 2007-08.

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:

- a summary of proposed improvements to the services and financial planning process;
- a service planning and budget timetable 2005/06;
- proposals for developing high level service plans and the Medium Term Budget Strategy up to 2007-08 and developing detailed service plans and budgets for 2005-06.

Following consideration of the report, Cabinet

Resolved to RECOMMEND:

That the budget timetable set out at Appendix C to the officer report be approved.

Reason for Recommendation: To recommend a budget timetable to prepare the 2005-06 budget for consultation at the meeting of the Cabinet in December 2004 and to meet statutory requirements to set a legal budget, determine the Council Tax Base and report the surplus/deficit on the Collection Fund.

This page is intentionally left blank

ITEM 11

**COUNCIL
21 OCTOBER 2004**

**CABINET RECOMMENDATION
(To follow)**

**(1) 14 OCTOBER 2004 - REC. I: Ninth London Local Authorities
Bill**

This page is intentionally left blank

[FIRST RESOLUTION OF COUNCIL]

HARROW LONDON BOROUGH COUNCIL

RESOLVED -

That the Council approves the inclusion in the Bill being promoted by Westminster City under the name or short title of "London Local Authorities" of provisions effecting all or some of the following purposes -

- (a) to make provision in respect of the control of portable advertisements; providing better powers to deal with fly posting and graffiti including powers of seizure and stronger penalties; making further provision about unauthorised advertisement hoardings; to provide for telephone call barring for numbers mentioned in unauthorised advertisements including those placed in telephone kiosks; strengthening Councils' powers as regards the control of waste and the use of street litter control notices; prescribing how recyclable waste should be separated, enabling the making of standard regulations about the use of waste receptacles; charging for additional household waste collections; providing further powers to deal with waste on private land; strengthening and extending the law relating to litter including powers to deal with litter and waste in aquatic environments and dealing with littering from vehicles; controlling the use of civic amenity sites; dealing with waste transfer notes and licences; strengthening enforcement against fly-tipping; strengthening powers to deal with abandoned vehicles and providing powers to remove and dispose of nuisance and other vehicles; updating the law on intruder alarms; dealing with construction noise from underground stations; dealing with control of noise nuisance from street works; providing stronger powers to deal with noise nuisance; strengthening enforcement against illegal "near beer" premises; dealing with the display or possession for supply of R18 videos in unlicensed sex shops; allowing conditions relating to waste and litter to be attached to premises licences under the Licensing Act 2003; dealing with fees for premises and personal licences in London under that Act; increasing the number of members who can sit on licensing committees under that Act; enabling the provision of cleaning up conditions at licensed special events; dealing with charitable collections on the highway and public places; amending the law relating to street trading including dealing with shop forecourts, bridges over the Thames and the South Bank; introducing the licensing of proprietary clubs; altering the law relating to the licensing of special treatment premises, to include dealing with nail art, mobile premises, and premises under the Registered Homes Act; dealing with bicycle rickshaws or pedicabs; amending and extending the law relating to parking and parking enforcement including dealing with repeat offenders, and with motorcycles on the footway; dealing with cycling on the pavement; dealing with abandoned bicycles and other bicycles left in public places; dealing with filming on the highway and in open spaces and making further provision about filming in London; dealing with chairs and tables and other things placed on

the highway including the making of additional charges; altering the law relating to overhanging vegetation on the highway; providing exemptions from traffic restrictions for waste collection and road sweeping vehicles; making further provision about vehicle crossovers and driving off the carriageway; removal of articles attached to street furniture and other objects on or abutting the highway; removal of disused telephone kiosks and other disused apparatus and street furniture; the decriminalisation of low emission zone enforcement; stopping vehicles for emissions testing; enabling Councils to provide "wi-fi" technology; providing for the registration of second-hand dealers; providing for the control or prohibition of smoking in public places or the work place; the provision of consumer advice; altering the concessionary fares scheme; the registration of businesses who provide mail forwarding services; enabling Councils to obtain the names and addresses of people whose telephone numbers are publicised in connection with unlawful activity, including unlawful street trading of vehicles; further decriminalisation of offences prosecuted by local authorities and the introduction of a penalty charge notice regime akin to parking; extending Councils' powers to serve fixed penalty notices to include offences not currently covered; delegating the issuing of fixed penalty notices and further flexibility in relation to fixed penalty notices procedures, including provision for early payment and service of notices on those aged 16 and above; sharing of information to combat benefit fraud and for other purposes; co-operation on pension fund management; altering the London Boroughs Grant Scheme; altering the planning cycle on schools admission; amending the law relating to pipe subways; extending Councils' powers to charge for services; enabling zoning powers within which higher fines can be imposed in relation to certain offences; the change of use of residential property under Town and Country Planning law; enabling schemes of information to be provided; authorising the disturbance of human remains to enable existing graves to be used for further interments; implementing security arrangements in housing estates; strengthening the law relating to short-term letting; providing for the registration of persons able to accept service of notices on behalf of landlords; (in the case of the London Borough of Camden) removing restrictions on the placing of temporary structures in Lincoln's Inn Fields; the regulation of bonfires; the further regulation of use of fireworks; the control of storage or use of acetylene cylinders; further powers to deal with abandoned shopping trolleys and luggage trolleys; allowing charging for discretionary services; relaxing VAT partial exemption restrictions on Councils; removing certain existing capital finance restrictions on Councils; enabling Councils to provide services to a wider market; relaxing requirements relating to tramlines in the road; dealing with overgrown vegetation and other unsightly material on private premises; strengthening the law relating to spitting in public places; further regulating the location of telecommunications masts and base stations to ensure telecommunications operators share sites; and to strengthen planning law relating to the siting of masts; mandatory consultation by water companies with Councils about mains water pressure; enabling charging for the reinspection of premises under certain statutory regimes; making minor amendments to the London Local Authorities and Transport for London Act 2003 and other local legislation; removing the requirement to provide signs indicating the overnight parking ban for commercial vehicles; extending Councils' powers to make byelaws; enabling Councils to impose a local levy on plastic bags, takeaway food packaging, chewing gum and cigarette packet

wrappers; to alter powers of entry of Council officers, particularly those of trading standards officers; to enable Courts to make orders to disqualify persons from holding company directorships if repeatedly found guilty of certain offences relating to the degradation of the amenity of an area or the unlawful sale of products to underage persons; enabling councils to gate off nuisance alleyways and passages and enabling Councils to collaborate further in the provision of services;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

This page is intentionally left blank

ITEM 16

**COUNCIL
21 OCTOBER 2004**

**DEVELOPMENT CONTROL COMMITTEE
RECOMMENDATION**

**(1) 7 SEPTEMBER 2004 - REC. I: Training for Members of the
Development Control Committee**

This page is intentionally left blank

REPORT OF DEVELOPMENT CONTROL COMMITTEE

MEETING HELD ON 7 SEPTEMBER 2004

Chair: * Councillor Anne Whitehead

Councillors: * Marilyn Ashton * Janet Cowan
* Mrs Bath * Knowles
* Blann (2) * Miles
* Bluston * Mrs Joyce Nickolay
* Choudhury * Thornton

* Denotes Member present
(2) Denotes category of Reserve Members

PART I - RECOMMENDATIONS

RECOMMENDATION I -Training for Members of Development Control Committee

Your Committee gave consideration to a report of the Chief Planning Officer which advised that, following an independent review of the Development Control Committee undertaken for the Chief Executive and the recent evaluation of Planning Performance by the Office of the Deputy Prime Minister, arrangements for Development Control Training for Members had been reviewed.

A suggested programme of training was set out and it was further proposed that the Committee recommend to Council that the Committee procedures be amended to ensure that attending an agreed training programme be a requirement of serving on the Development Control Committee. This would come into force once the initial programme had been completed and it was noted that the dates put forward in the officer report would form part of the compulsory requirement.

Members agreed that several different groups of Members would benefit from the courses and requested that the dates be flagged up to Members of the Environment and Economy Scrutiny Sub-Committee. A Member suggested that Group Leaders should also emphasise the importance of attending the courses to their Members.

Resolved to RECOMMEND: (To Council)

That the Committee Procedure Rules for the Development Control Committee be amended to require Members and Reserve Members to have undertaken appropriate course of training prior to them taking seat on the Committee and voting on planning decisions.

7. Membership of the Development Control Committee (or any Committee otherwise named to which has been delegated the exercise of the functions of the Council as a local planning authority under the relevant statutory provisions).
 - 7.1 The requirements set out in this Procedural Rule shall apply to Members and Reserve Members serving on the Committee.
 - 7.2 In nominating Members to serve on the Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee and such nominations will be subject to the Chief Executive's confirmation that those Members have completed the training satisfactorily.
 - 7.3 In a Borough Election Year Members who are not trained to serve on the Committee may be nominated to serve nonetheless for an initial period of up to six months from the date of the first appointments in that Municipal Year to allow them to receive the required training within that period. Failure to undertake and complete satisfactorily the training within that six months will require that such Member be removed from membership and the political Group nominate a replacement Member who has been trained.
 - 7.4.1. For currently serving Members of the Committee (appointed prior to the requirement for completion of the training) a period of six months shall be allowed from 2 October 2004 (the first available training date) in which those Members should undertake the training.
 - 7.4.2. In respect of any serving Committee Member who has not completed the training satisfactorily within the six month period the relevant political Group will be requested to nominate a replacement Member of Council who has so completed the training satisfactorily, failing which any such place on the Committee shall remain vacant pending the nomination of a trained Member.

This page is intentionally left blank

ITEM 23

**COUNCIL
21 OCTOBER 2004**

**THE EXERCISE OF DISCRETION UNDER
REGULATION 52 OF THE LOCAL
GOVERNMENT PENSION SCHEME
REGULATIONS 1997 (AS AMENDED)**

REPORT OF THE CHIEF EXECUTIVE

This page is intentionally left blank

Meeting:	Council
Date:	21 st October 2004
Subject:	The exercise of discretion under Regulation 52 of the Local Government Pension Scheme Regulations 1997 (as amended)
Responsible Officer:	Joyce Markham, Chief Executive
Contact Officer:	Jill Rothwell, Executive Director – Organisational Development
Portfolio Holder:	Finance and Human Resources and Performance Management
Key Decision:	

Section 1: Summary

- 1.1 As a consequence of introducing Single Status a number of part-time employees will, post 31 March 2005, suffer a material negative impact on future accrual of pensionable service.
- 1.2 The authority has, since 1998, had the ability to exercise a discretion under the Local Government Pension Scheme Regulations 1997 (as amended) (LGPS) and award additional service. The authority has previously considered application of this discretion under the LGPS.
- 1.3 This report outlines the impact of increase in standard working hours and a proposed solution utilising the exercise of the discretion under Regulation 52 of the LGPS .

Decision Required

1. It is proposed that the authority recommends the exercise of its discretion under Regulation 52 of the LGPS, facilitating an increase in pensionable service.
2. It is recommended that the Council delegate exercise of this discretion to the Chief Executive.
3. It is recommended that the financial strain associated with the award of an additional service period is met through a draw down on reserves at the time an award is made.

Reason for report

To highlight a detrimental impact on the future accrual of some part-time employee's pensionable service and provide an equitable solution.

Benefits

The exercise of this discretion will ensure that employees who suffer a material impact on future service accrual and remain active members of the LGPS will have access, subject to the above criteria, to an adjustment of pensionable service.

Cost of Proposals

It is estimated that as at the material date of 1st April 2005 there will be approximately 1,320 employees who will be subject to a service reduction.

A computation undertaken at the time of the award will identify the financial strain on the pension fund and a lump sum payment will be drawn from reserves and paid to the fund to coincide with release of pension benefits to the employee. By way of illustration the cost of awarding 66 days membership (see **Appendix A**), at this time, would be **£697**. [Please note that Government Actuary Department factors used in this calculation are currently subject to a review and it is anticipated that a recalculation at some future date would result in a higher figure. Additionally it should be noted that degree of percentage shortfall and service period will vary between employees and consequently cost].

Risks

If the exercise of discretion under Regulation 52 is agreed, the Council will, at some future date(s), be drawing against reserves; the potential impact on services in terms of opportunity cost.

Implications if recommendations rejected

There will be a detrimental impact on employer / employee relationship, and risk of potential claims brought by part-time employees.

Section 2: Report

2.1 Brief History

The Council following meetings of the Personnel Sub-Committee on 23rd March 1998 and Policy and Resources on 2nd April 1998, agreed the Council's Mandatory Policy Statement on Discretion's in accordance with Regulation 106 of the LGPS. The Council resolved that it should not, at the present time, exercise its discretion and award extra periods of membership in accordance Regulation 52 of the LGPS.

As a result of introducing a standard 36-hour week, under Single Status, there will be a detrimental impact on the future accrual of pensionable service for some part-time employees, as of 1 April 2005.

When contractual **working hours** change from 35 to 36 on 1st April 2005 this effectively reduces the pensionable service for part-time employees. The example at Appendix **A** illustrates this point.

Exercise of Regulation 52 could be considered in circumstances where an employee: -

- 1) is an active member of the LGPS with continuous service prior to 1st April 2005 and remains an active member until retirement age with Harrow Council London; and
- 2) there has been a material negative impact on pensionable service as a direct consequence of the introduction of Single Status.

Any such increase must not exceed:-

- a) 6 years 243 days; or
- b) the period by which the member's total membership falls short of 40 years; or
- c) the period by which the member's total membership falls short of the total membership the member will have if s/he continues as an active member until age 65, or
- d) the actual service shortfall as a consequence of adjusted part-time percentage as at 1st April 2005; [where an individual increases their working hours at some future date and thereby negates the differential that existed as at 1st April 2005, the award would reflect this],

whichever is the shortest.

2.2 Options considered

Cabinet [24th June 2004] in reaching their decision to implement Joint Single Status, considered a detailed report of the Executive Director Organisational Development which, inter alia, outlined progress to date, options considered and a commitment to continuing negotiations with UNISON and staff on the remaining aspects of the agreement.

2.3 Consultation

As part of continuing negotiations, UNISON has been consulted on the proposed solution and supports the exercise of this discretion.

2.4 Financial Implications

The report outlines proposals for compensating staff where there is a material negative impact on pensionable service as a direct consequence of the introduction of single status. It is estimated that there are 1,320 employees who will be subject to a service reduction and an illustration of the cost of awarding added years is provided. However, given that people's circumstances change it is not possible to estimate how many staff will actually qualify for added years under this proposal. Moreover, the cost will be spread over a very long period of time. Any costs that do arise will be met from the Authority's reserves.

2.5 Legal Implications

These proposals will prevent claims being brought by part-time workers under:

- the Part-Time (Prevention of Less Favourable Treatment) Regulations 2000 (as amended) as part-time workers are entitled to be treated no less favourably than a comparable full-time worker (which includes pension schemes); and
- the Sex Discrimination Act 1975 for indirect sex discrimination as the majority of the part-time employees are female as detailed under 2.6.

2.6 Equalities Impact

Of the potential 1,320 employees affected by the 1st April 2005 change 96% are female employees. This proposal will ensure that part-time employees do not suffer a detriment as compared to equivalent full-time employees.

Section 3: Supporting Information/ Background Documents

Appendix A

List other background papers that are available on request:

Local Government Pension Scheme Regulations 1997 (as amended)

Minutes:-

Personnel Sub-Committee 23rd March 1998

Policy & Resources 2nd April 1988

General Purposes and Licensing Committee – 4th March 2003

Licensing and General purposes Committee – 16th June 2004

Cabinet – 24th June 2004.

Appendix A

Example

Employee retires on 60th birthday

a) Current Position

Employee works: **17.5 hours per week**

Whole-time Equivalent Salary: **£17,000**

Date of Birth: **1st April 1958**

Continuous membership of the LGPS from: **1st April 1988**

Pensionable Service: 1 April 1988 – 31 March 2018 = 30 yrs x 17.5/35 = **15yrs**
I.e. 50% of service as works 50% of the hours.

Retirement Benefits

Annual Pension: 15 x 1/80 x £17,000 = **£3,187.50**

Lump Sum: 15 x 3/80 x £17,000 = **£9,562.50**

b) Post Single Status

Employee works: **17.5 hours per week**

Whole-time Equivalent Salary: **£17,000**

Date of Birth: **1st April 1958**

Continuous membership of the LGPS from: **1st April 1988**

Pensionable Service:

1 April 1988 - 31 March 2005 = 17 yrs x 17.5/35 = **8 yrs 183 days**

1 April 2005 - 31 March 2018 = 13 yrs x 17.5/36 = **6 yrs 116 days**

Total = **14 yrs 299 days**

Retirement Benefits

Annual Pension: 14.81917 x 1/80 x £17,000 = **£3,149.07**

Lump Sum: 14.81917 x 3/80 x £17,000 = **£9,447.21**

In the above example the individual's service has been reduced by **66 days** over a **13-year** period, resulting in reduction of **£38.43** annual pension and **£115.29** lump sum respectively.

ITEM 24

**COUNCIL
21 OCTOBER 2004**

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

REPORT OF THE CHIEF EXECUTIVE

This page is intentionally left blank

LONDON BOROUGH OF HARROW

Meeting:	Council
Date:	21 October 2004
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 - 22 January 2004, 26 February 2004 and 29 April 2004

4.3 Council – reports on use of special urgency procedure – 23 October 2003 and 29 April 2004 urgency

4.4 Council – 23 October 2003 – operation and provisions for call in and special urgency

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 2003-4, there were 79 urgent individual Portfolio Holder decisions and 29 non-urgent Portfolio Holder decisions as at 30 April 2004. The relevant Head of Service is required to confirm urgency in each case.

In the current municipal year there have been 9 urgent individual Portfolio Holder decisions and 29 non-urgent Portfolio Holder decisions as at 12 October 2004.

6.5 During the municipal year 2003/4, the urgency process has been used on 2 occasions in relation to decisions of Cabinet. These related to reports considered by Cabinet on 9 September 2003 and 16 December 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.
Proposed Schools Budget 2004/5	The deadline for the submission to the Secretary of State for

In the current municipal year, the urgency process has been used on 1 occasion in relation to a decision of Cabinet. This related to a report considered by Cabinet on 24 June 2004, the details of which are set out below:-

<u>Subject</u>	<u>Reason for Urgency</u>
Best Value Performance Plan 2004/5	The statutory deadline for the publication of the Plan was 30 June 2004.

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 The Call in Sub-Committee did not meet during the municipal year 2003/4 as the one call in notice received was subsequently withdrawn.
- 6.8 The Call in Sub-Committee has met on 1 occasion during the current municipal year. On 30 June 2004 the Sub-Committee considered the Call in of the following matter:-

<u>Decision maker</u>	<u>Subject</u>
Environment and Transport Portfolio Holder	Cedars School/ Whittlesea Road 20mph zone (PHD 006/04)

The Call in Sub-Committee rejected the grounds for Call in and the decision was implemented.

- 6.9 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**

12.1 Alison Brooker – Law and Administration – tel:0208 424 1266,
alison.brooker@harrow.gov.uk

ITEM 25

**COUNCIL
21 OCTOBER 2004**

**URGENCY AND SPECIAL PROCEDURE
DECISIONS TAKEN BY THE EXECUTIVE**

REPORT OF THE CHIEF EXECUTIVE

This page is intentionally left blank

Meeting:	Council
Date:	21 October 2004
Subject:	Decisions taken under Urgency Procedure by Portfolio Holders/Leader and Cabinet and Use of Special Urgency Procedure
Responsible Officer:	Chief Executive
Contact Officer:	Daksha Ghelani (Tel: 020 8424 1881 or Ext 2881) daksha.ghelani@harrow.gov.uk
Portfolio Holder:	Strategy and External Affairs/Leader of the Council
Key Decision:	No
Status:	Public (Part I)

Section 1: Summary

Decision Required

1.1 That the urgent decisions taken by the Portfolio Holders and the Leader, as set out at Appendix A to the report, be noted.

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

1.2 That the use of the Special Urgency Procedure, detailed in Appendix B of the report, in relation to the following reports be noted:-

Occupational Health Service (Ref: PHD 027/04 – Key Decision)
Lease of Office Accommodation (Ref: PHD 031/04 – Key Decision)

REASON: The Leader or, in his absence, the Deputy Leader, considered the above reports 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.

1.3 That the use of the Urgency Procedure in relation to the following report to Cabinet, detailed in Appendix A, be noted:-

Best Value Performance Plan 2004/5

REASON: In accordance with paragraph 23.6 of the Overview and Scrutiny Procedure Rules, decisions taken as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.

Reason for report

To provide a summary of the urgent decisions taken by the Portfolio Holders, the Leader and Cabinet since the 29 April 2004 meeting of the Council, as required by the Constitution.

Benefits

Not applicable.

Cost of Proposals

As per the individual reports to the relevant Portfolio Holder.

Risks

Not applicable.

Implications if recommendations rejected

This report is for noting only.

Section 2: Report

2.1 Brief History

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

This report sets out the details of those decisions taken as a matter of urgency since the Council meeting held on 29 April 2004.

Additionally, in accordance with paragraph 17.3 of the Access to Information Procedure Rules, this report advises that the Leader used the Special Urgency Procedure to enable the consideration of two key decisions.

Paragraph 23 of the Executive Procedure Rules states that the Leader may take urgent Key Decisions under his delegated authority as out in Part 3 of the Constitution.

2.2 Options considered

As per the individual reports to the relevant Portfolio Holder and report to Cabinet.

2.3 Consultation

Where appropriate, Ward Councillors were consulted on individual reports.

Where decisions were deemed to be urgent, the agreement of the Chair of the Overview and Scrutiny Committee or, in her absence, the Mayor, was sought and obtained that the decision would not be subject to the call-in procedure.

2.4 Financial Implications

As per the individual reports to the relevant Portfolio Holder.

2.5 Legal Implications

As per the individual reports to the relevant Portfolio Holder.

2.6 Equalities Impact

None.

Section 3: Supporting Information/ Background Documents

Supporting Information

Appendices A and B

Background Documents

Officer Reports considered by the Portfolio Holder and Cabinet

Portfolio Holder Decision Notices

Council's Constitution

Any persons wishing to inspect the background papers should telephone 020 8424 1881.

The officer reports considered by the Portfolio Holder / Leader 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 (as amended).

Subject	Paragraph
Cannon Garages, Nos. 12 & 13 Ellement Close, Pinner (PHD 025/04)	Exempt by virtue of Paragraph 9 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).
Land at 19 Mephram Crescent, Harrow Weald (PHD 026/04)	Exempt by virtue of Paragraph 9 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

Occupational Health Service (PHD 027/04) KEY	Exempt by virtue of Paragraph 8 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).
Lease of Office Accommodation (PHD 031/04) KEY	Exempt by virtue of Paragraph 9 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).
Agreement of Short Listed Suppliers (and reserve) for the BTP Project (PHD 034/04)	Exempt by virtue of Paragraphs 7 and 10 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

Urgent Decisions

The following urgent decisions have been taken by Portfolio Holders and the Leader since Council on 29 April 2004: -

Subject	Decision Maker	Reason for Urgency
Mobile Wardens (Ref: PHD 009/04)	Strategy and External Affairs	To enable implementation of strategy to bring these workers within time regulations prior to next Cabinet.
Resident Wardens (Ref: PHD 010/04)	Strategy and External Affairs	To make payments in line with compromise agreements prior to next Cabinet.
Anmer Lodge (Ref: PHD 015/04)	Strategy and External Affairs	To fully protect the Council's legal position.
Cannon Garages, Nos. 12 & 13 Ellement Close, Pinner Ref: 025/04)	Deputy Leader in the absence of the Strategy and External Affairs PH	To enable the provisionally agreed sale of the land to be concluded as soon as possible
Land at 19 Mepham Crescent, Harrow Weald (Ref 026/04)	Deputy Leader in the absence of the Strategy and External Affairs PH	To enable the land to be marketed as soon as possible.
Occupational Health Service (Ref 027/04 – Key Decision)	Deputy Leader in the absence of the Leader	The current provider was no longer able to support the Council's requirements and had terminated the contract with effect from 30 September 2004.
Lease of Office Accommodation (Ref 031/04 – Key Decision)	Leader	To meet urgent additional accommodation needs.
Agreement of short listed suppliers (and reserve) for the Business Transformation Partnership Project (Ref 034/04)	Finance and Performance Management	To ensure that there was no delay of the arrival on site of suppliers – otherwise there would not be sufficient time to develop a complete high quality document.

The following urgent decision has been taken by Cabinet since Council on 29 April 2004.

Subject	Decision Maker	Reason for Urgency
Best Value Performance Plan 2004/5	Cabinet	To ensure that the statutory deadline for publication of 20 June 2004 was met.

Special Urgency (Key) Decisions

The Forward Plan of Key decisions covers 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 Chair of the Overview and Scrutiny Committee agrees that the decision cannot be reasonably deferred.

The Executive Directors (Organisational Development and Urban Living) were of the view that the key decisions on the Occupational Health Service and the Lease of Office Accommodation could not await the Cabinet meeting on 9 September because it would unduly and prejudicially affect the Council's position.

The Leader, or in his absence, the Deputy Leader, therefore took the decisions under paragraphs 16 and 23 of the Access to Information Procedure Rules and Executive Procedure Rules respectively.

The reasons for the key decision made on the Occupational Health Service and Lease of Office Accommodation are set out below:-

Report Title (Ref. No.)	Special Circumstances/Grounds for Urgency	Reason for Decision
Occupational Health Service (PHD 027/04)	The current provider was no longer able to support the Council's requirements and had terminated the contract with effect from 30 September 2004.	To appoint a new service provider for occupational health services.
Lease of Office Accommodation (PHD 031/04)	To meet urgent additional accommodation needs.	To finalise the lease agreement on the current terms and to enable the urgent decanting of staff to allow the planned office refurbishment to take place in the Civic Centre. To satisfy requirements for additional accommodation which cannot currently be met within Civic Centre buildings.

This page is intentionally left blank