

2005 - 2006

**HARROW COUNCIL**  
**COUNCIL SUMMONS**

**MEETING**  
**Thursday 20 October 2005**





## **COUNCIL SUMMONS**

**Legal Services Department**

**Civic Centre**

**Harrow**

12 October 2005

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, 20th day of October 2005 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 Terence H. MacMath, will open the meeting with Prayers.

**1. COUNCIL MINUTES:** (Pages 1 - 12)

That the minutes of the Annual Meeting held on 12 May 2005, having been circulated, be taken as read and signed as a correct record.

[Notes: (i) The Annual Council minutes have been circulated previously within Volume 1 of the Cabinet and Council Minutes May 2005;

(ii) those minutes are also now enclosed with the Summons for ease of reference].

**2. DECLARATIONS OF INTEREST:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from all Members present.

**3. MAYOR'S ANNOUNCEMENTS:**

To receive any announcements from the Mayor.

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

**4. PROCEDURAL MOTIONS:**

To receive and consider any procedural motions by Members of 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].

**5. PETITIONS:**

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

- (i) by a representative of the petitioners;
- (ii) by a Councillor, on behalf of petitioners; or
- (III) by the Director of Corporate Governance, on behalf of petitioners.

**6. PUBLIC QUESTIONS:**

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

Notice has been received of the following Question from Mr P. Seedher to be asked of the Portfolio Holder for Social Care and Health:-

“If after the new year budget has been prepared and implemented – your dept was to receive an additional £500,000 or even an additional £1m on top of your requirement – how would you like to spend it ? Do you have a wish list of essential items ?”

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

7. **SERVICE PLANNING AND FINANCIAL PLANNING 2006-07:** (Pages 13 - 18)

CABINET (28 JULY 2005): RECOMMENDATION I

8. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2004/05:** (Pages 19 - 56)

OVERVIEW AND SCRUTINY COMMITTEE (26 APRIL 2005): RECOMMENDATION I

9. **OVERVIEW AND SCRUTINY COMMITTEE: CONSTITUTIONAL AMENDMENT:** (Pages 57 - 60)

OVERVIEW AND SCRUTINY COMMITTEE (19 JULY 2005): RECOMMENDATION I

Rights of Members of Overview and Scrutiny Committee to Information.

[Note: The Constitutional change proposed in this Recommendation was also considered by the Constitution Review Working Group which also endorses the revision. The report from that Working Group does not therefore include this particular matter, for the avoidance of duplication].

10. **REVISIONS TO THE CONSTITUTION:** (Pages 61 - 102)

To receive the Recommendations of the Constitution Review Working Group.

11. **PROPOSED VARIATIONS IN COUNCIL MEETING DATES:**

Further to the preceding item on the Summons and the consideration afforded by the Constitution Review Working Group to the possible effect on Council dates of the Cabinet having the statutory responsibility to agree the Council Tax Taxbase, the Leader of the Council (Councillor Navin Shah) proposes that:-

The Council agree (1) to cancel the 19 January 2006 Council Meeting (as had been nominally anticipated in the printed Calendar of Meetings 2005/06);

(2) that within future Municipal Years the January Meeting be replaced by a July Meeting; and

(3) that the Calendar of Meetings for 2006/07 should so include a Council Meeting in July 2006.

**FOR CONSIDERATION**

12. **COMPLAINTS AGAINST COUNCILLORS - PROCEDURE FOR LOCAL INVESTIGATIONS OF COMPLAINTS REFERRED FROM THE STANDARDS BOARD FOR ENGLAND:** (Pages 103 - 112)

STANDARDS COMMITTEE (21 SEPTEMBER 2005): RECOMMENDATION I

13. **COMPLAINTS AGAINST COUNCILLORS - PROCEDURE FOR LOCAL**

**DETERMINATION OF COMPLAINTS REFERRED FROM THE STANDARDS BOARD FOR ENGLAND:** (Pages 113 - 134)

STANDARDS COMMITTEE (21 SEPTEMBER 2005):  
RECOMMENDATION II

**14. APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE:** (Pages 135 - 140)

STANDARDS COMMITTEE (21 SEPTEMBER 2005): RECOMMENDATION III

**15. REPORT OF THE LEADER OF THE COUNCIL: PORTFOLIO HOLDER DELEGATIONS:**

The Leader of the Council, Councillor Navin Shah, has given notice of seeking the approval of the Council under the provisions of Paragraph 7.02, Article 7 of the Constitution, to effect the following limited variation in the delegations to Portfolio Holders.[ This variation has already been the subject of a temporary re-assignment under the general provisions of Paragraph 4 (Appendix to Executive Procedure Rules), as then notified to all Members in June 2005].

It is proposed that an existing delegation appropriately be transferred from the remit of the Deputy Leader, Portfolio Holder for Business Connections and Performance to the delegations ascribed to the Portfolio Holder for Communications, Partnership and Human Resources.

The particular delegation reads as follows:-

“the development of the Council’s response to crime, substance abuse and associated issues and the maintenance of good working relationships with other agencies to secure a safe living and working environment within the Borough “.

**FOR CONFIRMATION**

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

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

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

Notice has been given by **Councillor Williams** of a question to be asked of the **Business Connections and Performance Portfolio Holder (Councillor Dighé)** in the following terms:-

“How much does this Council expend, in terms of money, time and facilities, in promoting Black History Month, and what is the expend, on an equal basis, in terms of promoting White History ?”.

(Confirmation of any further questions will be tabled).

## **17. MOTIONS:**

The following Motions have been notified in accordance with the requirements of Council Procedure Rule 15, to be moved and seconded by the Members so indicated.

### **(1) Fair Trade Borough**

To be moved by Councillor Thornton and seconded by Councillor Marie-Louise Nolan:

“That this Council notes the work being undertaken by the Fairtrade Foundation to tackle poverty by enabling disadvantaged producers from poor countries to receive a better deal for their labours.

This Council resolves:

1. to express its support for the principles of Fair Trade as part of the Council’s commitment to Local Agenda 21 and in pursuit of sustainable development;
2. to commit itself to promote awareness of Fair Trade through the Council’s communications and its website;
3. to encourage the serving of Fair Trade products at its meetings and Council run outlets;
4. to request that officers work with Fair Trade Groups in the Borough and outside to ensure continued commitment to Harrow becoming a Fair Trade Borough.”

### **FOR CONSIDERATION**

### **(2) RAF Bentley Priory**

To be moved by Councillor John Cowan and seconded by Councillor C.Mote:

“This Council regrets that the Ministry of Defence is contemplating selling RAF Bentley Priory with its historical significance to a property developing company and calls upon the Borough’s two MPs to use all their best endeavours to keep the Priory within public ownership, for the future benefit of the British people”.

### **FOR CONSIDERATION**

### **(3) Harrow Borough Controlled Drinking Zone**

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

“This Council notes the success of controlled drinking zones in other London boroughs, in particular Westminster where it has been adopted for the whole borough, and calls for the introduction of a controlled drinking zone to cover the whole of Harrow, thereby giving the police power to act against anti-

social drinking”.

## FOR CONSIDERATION

### 18. STATUTORY OFFICERS:

Report of the Chief Executive.  
(This report is to follow).

### 19. COUNCIL APPOINTEES AS MEMBERS OF COMMITTEES AND REPRESENTATIVES ON OUTSIDE BODIES: (Pages 141 - 144)

Report of the Chief Executive.

### 20. URGENT DECISION TAKEN ON A MATTER RESERVED TO THE COUNCIL: (Pages 145 - 148)

In accordance with the delegations to Chief Officers, the Leaders of the three political groups on the Council were consulted on and agreed the attached urgent decision on behalf of the Council.

## FOR CONFIRMATION

### 21. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE AND THE USE OF THE SPECIAL URGENCY PROCEDURE: (Pages 149 - 158)

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, it is a requirement to report 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.

Those requirements are met in the attached paper from the Director of Corporate Governance.

Yours sincerely



for the Chief Executive

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



**ITEM 1**

**COUNCIL  
20 OCTOBER 2005**

**COUNCIL ANNUAL MINUTES**

**12 MAY 2005**

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**MINUTES  
of the  
ANNUAL MEETING  
of the  
COUNCIL  
of the  
LONDON BOROUGH OF HARROW  
held on  
THURSDAY 12 MAY 2005**

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

**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  
M. Dharmarajah  
Sanjay Dighé  
A.T. Foulds  
Brian Gate  
Mitzi Green

Ann Groves  
C. 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  
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**

(See Resolution 313)

**313. PRAYERS:**

In the unavoidable absence of the Mayor's Chaplain, opening Prayers were taken by Father R. Wakeling. In the course of Prayers, Father Wakeling referred to Councillor Miss Bednell's bereavement following the recent death of her mother, Mrs Evelyn Bednell, former Mayoress of the Borough in the Municipal Year 1986/87. The funeral of Mrs Bednell was to take place on Friday 13 May 2005.

**[NOTE:** At the commencement of the meeting the Mayor, Councillor Mrs Champagnie, made a statement regretting that a document had been circulated on behalf of the Labour Group without notice of it having been afforded to her as Chair. The Leader of the Council and of the Labour Group, Councillor N. Shah, apologised for any breach of etiquette in this regard].

**A PROCEEDINGS FOR THE ELECTION OF MAYOR****314. ELECTION OF MAYOR:**

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

Councillor Navin Shah nominated and Councillor Ann Groves seconded that **COUNCILLOR ASAD OMAR**, the Deputy Mayor, be elected Mayor for the Municipal Year 2005/06.

Councillor Branch nominated and Councillor C. Mote seconded that **COUNCILLOR MISS PADDY LYNE** be elected Mayor for the Municipal Year 2005/06.

There being no further nominations the Mayor invited other Members to speak in favour of either nominee. A number of Members accordingly spoke in favour of each candidate.

Following these speeches, the Mayor, Councillor Mrs Champagnie, asked for a vote by a show of hands. The vote was recorded as 31 for Councillor Omar and 32 for Councillor Miss Lyne.

The Mayor declared Councillor Miss Lyne as duly elected Mayor for 2005/06.

**RESOLVED:**

**THAT COUNCILLOR MISS PATRICIA MAY LYNE BE ELECTED MAYOR OF THE LONDON BOROUGH OF HARROW FOR THE MUNICIPAL YEAR 2005/2006.**

**315. INSTALLATION OF NEWLY ELECTED MAYOR:**

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

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

**The Mayoress, Mrs Mary Graham**, was then invested by the retiring Mayor's Consort with her Medallion of Office.

**The Mayor, Councillor Miss Lyne**, then returned her thanks for her election.

**316. VOTE OF THANKS TO THE RETIRING MAYOR:**

**Councillor C. Mote** formally moved a vote of thanks to the retiring Mayor, **Councillor Mrs Champagnie** and to the retiring Mayor's Consort, **Mr. Clive Champagnie**, which was seconded by **Councillor D. Ashton**.

Councillors N. Shah, Mrs Bath, Branch, Dighé, Seymour, Jean Lammiman, Osborn, Silver, Mark Ingram and Toms also endorsed the vote of thanks to Councillor Mrs and Mr. Champagnie for their Mayoral Year.

**RESOLVED:**

**THAT THE COUNCIL PLACE ON RECORD ITS UNANIMOUS APPRECIATION OF AND SINCERE THANKS TO COUNCILLOR MRS LURLINE CHAMPAGNIE AND MR. CLIVE CHAMPAGNIE FOR THEIR YEAR OF OFFICE AS MAYOR AND MAYOR'S CONSORT OF THE LONDON BOROUGH OF HARROW FOR 2004/2005.**

**317. EXPRESSION OF THANKS BY IMMEDIATE PAST MAYOR:**

Councillor Mrs Champagnie congratulated the incoming Mayor, Councillor Miss Lyne, on her appointment to the Office of Mayor. She expressed her appreciation and gratitude to the London Borough of Harrow for having elected her as Mayor for the past year, and felt thrilled to wear the mantle of Mayor.

In recalling her Mayoral Year, Councillor Mrs Champagnie referred especially to the many functions she had attended and the opportunities to meet the people of the Borough. She had been impressed by the generosity and kindness of the people of the Borough and the welcome given everywhere to the Mayor.

In her speech she highlighted some of her engagements she had attended and thoroughly enjoyed. In particular the visit by Her Majesty The Queen and His Royal Highness The Duke of Edinburgh to mark the 50<sup>th</sup> Anniversary of the Borough's Charter, when she was Deputy Mayor, awarding the Freedom of the Borough to Sir Roger Bannister to mark the fiftieth anniversary of his 1954 world record mile run, the Mayoress's Committee Ball and many other fundraising events.

In her speech she offered her special thanks to the Mayoral staff, Mrs Ball, Mrs Gresty, Mr Deans and Mr Carlin and other staff for their dedication, support and guidance.

Councillor Mrs Champagnie also wished to thank the Chief Executive and her staff, the Legal Department, and all the staff of the London Borough of Harrow for their assistance, guidance and advice.

And finally, she expressed his heartfelt thanks to her husband, consort and best friend, Clive for the support and encouragement he had given to her in her role as Mayor.

In conclusion, Councillor Mrs Champagnie extended her thanks to her friends, her family and neighbours and Harrow Communities for making her Mayoral Year special.

**318. PRESENTATION OF MEDALLIONS TO THE IMMEDIATE PAST MAYOR AND MAYOR'S CONSORT:**

The Mayor, Councillor Miss Lyne, on behalf of the Council presented a replica of the Mayor's Medallion to Councillor Mrs Champagnie in commemoration of her Mayoralty of the Borough 2004/05.

The Mayoress, Mrs Mary Graham, presented to the immediate past Mayor's Consort, Mr. Clive Champagnie, a Medallion to commemorate his year as Mayor's Consort of the Council 2004/05.

**319. APPOINTMENT AND INVESTITURE OF DEPUTY MAYOR AND DEPUTY MAYORESS:**

The Mayor signified in writing that she had appointed **Councillor Mary John** to be Deputy Mayor for the Municipal Year 2005/06.

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

The Mayoress then invested the Deputy Mayoress, **Mrs Tasneem Rasheed**, with her Medallion of Office.

The Deputy Mayor, Councillor Mary John, then returned thanks for her appointment.

**320. CHAPLAINCY:**

The Mayor confirmed to the Council that she had appointed the Reverend Terence Handley MacMath as her Mayor's Chaplain for the Municipal Year 2005/06.

**B ELECTION OF THE EXECUTIVE****321. ELECTION OF THE 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 NAVIN SHAH BE RE-ELECTED LEADER OF THE COUNCIL FOR THE MUNICIPAL YEAR 2005/06.**

**322. 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 DIGHÉ BE RE-ELECTED DEPUTY LEADER OF THE COUNCIL FOR THE MUNICIPAL YEAR 2005/06.**

**323. APPOINTMENT OF LEADERS AND DEPUTY LEADERS OF THE POLITICAL GROUPS:**

**RESOLVED:**

**THAT THE CONFIRMATION PROVIDED BY THE THREE POLITICAL GROUPS OF THEIR RESPECTIVE LEADERS AND DEPUTY LEADERS FOR THE MUNICIPAL YEAR 2005/06 BE NOTED AS FOLLOWS:**

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

**324. EXECUTIVE FUNCTIONS 2005/2006:**

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, the confirmation provided in a document circulated within the first Supplemental Summons and a tabled revision of nominations on behalf of the Liberal Democrat Group, it was,

**RESOLVED:**

**(1) THAT THE EXECUTIVE (CABINET) MEMBERSHIP AND RELATED REVISED PORTFOLIOS BE APPROVED FOR 2005/06 (as set out in Appendix 1 to these Minutes);**

**(2) THAT THE INFORMATION IN RESPECT OF THE PROPOSED EXECUTIVE COMMITTEES, ADVISORY PANELS AND CONSULTATIVE PANELS FOR 2005/06, INCLUDING THE ESTABLISHMENT OF A HARROW BUSINESS CONSULTATIVE PANEL, AND THE DELEGATIONS TO OFFICERS, BE NOTED.**

**C PROCEDURAL MATTERS****325. COUNCIL MINUTES:**

**RESOLVED:**

**THAT THE MINUTES OF THE PREVIOUS COUNCIL MEETING HELD ON 21 APRIL 2005, HAVING BEEN CIRCULATED, BE TAKEN AS READ AND SIGNED AS A CORRECT RECORD.**

**326. CIVIC FUNCTIONS AND SPECIAL MAYORAL CHARITY APPEAL:**

Council noted that the newly elected Mayor, Councillor Miss Lyne, would shortly be confirming the dates of the principal Civic Functions for the Municipal Year 2005/06 and that these would be notified to elected Members within the following week to this Annual Meeting.

Additionally, formal confirmation of the Mayor's Special Charity Appeal would be advised.

**327. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL:**

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

**328. DECLARATIONS OF INTEREST:**

Councillor Lent notified a prejudicial interest in relation to the subject matter of the Motion included at Item 18 on the Council Summons, for which Item he would withdraw from the Council Chamber and take no part in its consideration.

**RESOLVED:**

**THAT THE DECLARATION OF INTEREST NOW ADVISED BE RECEIVED AND NOTED.**

**329. PROCEDURAL MOTION:**

The Motion at Item 18 on the Council Summons was qualified by Council Rule 15.6, under which the Motion stood referred to the Executive, the subject matter being within its delegated powers.

Councillor Mark Ingram moved a procedural motion that the effect of Rule 15.6 be disappplied, to enable the Motion to be debated at this Annual Council Meeting.

Having been put to a vote, the procedural motion was carried.

**RESOLVED:**

**THAT COUNCIL RULE 15.6 BE NOT APPLIED TO THE MOTION INCLUDED AT ITEM 18 OF THE SUMMONS, ALLOWING THAT MOTION TO BE CONSIDERED BY THIS COUNCIL MEETING.**

(See Resolution 339 below).

**D ESTABLISHMENT OF COMMITTEES AND DELEGATIONS 2005/06****330. DETERMINATION AS TO THE SIZE OF COMMITTEES OF THE COUNCIL AND THE PROPORTIONAL ALLOCATION OF COMMITTEE PLACES 2005/06:**

Further to the provisions of the Local Government (Committees and Political Groups) Regulations 1990, the Chief Executive 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 2005/06.

**RESOLVED:**

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

**331. APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES:**

The Annual Council Meeting received with the 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 Meeting received a tabled, revised nomination to the Development Control Committee on behalf of the Conservative Group.

**RESOLVED:**

**THAT THE COMMITTEES OF THE COUNCIL BE ESTABLISHED WITH THE MEMBERSHIPS NOW AGREED FOR THE MUNICIPAL YEAR 2005/06 (as set out in Appendix 2 to these Minutes).**

**332. APPOINTMENT OF CHAIRS TO COUNCIL COMMITTEES:**

Further to Item 12 of the Summons, the Council Meeting received confirmation from the political Groups of nominations to the office of Chair of certain Committees of the Council, which were formally approved.

**RESOLVED:**

**THAT THE FOLLOWING CHAIRS OF COMMITTEES BE APPOINTED FOR THE MUNICIPAL YEAR 2005/06:-**

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

(Note: The above appointments are also reflected in Appendix 2 to these Minutes – see Resolution 331 above).

**333. 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 would be continued, with the noted exception addressed at Resolution 335 below.

**RESOLVED:**

**THAT THE TERMS OF REFERENCE AND DELEGATED POWERS FOR COMMITTEES OF THE COUNCIL IN PART 3 OF THE CONSTITUTION BE CONFIRMED (subject to Resolution 335 below).**

**E APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

**334. OUTSIDE BODY APPOINTMENTS 2005/06:**

- (i) Item 14 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 2005/06.
- (ii) The nominations of the political Groups to places on outside bodies were notified in the attachment with the Summons, within an overall motion submitted on behalf of the Major Minority (Labour) Group.
- (iii) In addition, appointments to remaining vacancies and corrections to the nominations for places on outside bodies, together with a series of amendments proposed on behalf of the Conservative Group, were received as tabled documents.
- (iv) The Council received and agreed the following changes to the nominations as originally notified with the Summons:-

Appointments to outstanding vacancies

NO.	NAME OF BODY	NO. OF REPS	REPRESENTATIVES 2005/06	
			Appointee	Deputy (where applicable)
2	ALG			
(v)	Children, Young People and Families Forum	1 (+1 Deputy)	Stephenson	Margaret Davine



NO.	NAME OF BODY	NO. OF REPS	REPRESENTATIVES 2005/06	
			Appointee	Deputy (where applicable)
(xi)	London Caribbean Partnership Group	1 (+1 Deputy)	Nana Asante	N. Shah
70	West London Alliance	2 (+1 Deputy)	(Nominations advised)	Dighé

Agreed change in a proposed appointment

NO.	NAME OF BODY	NO. OF REPS	REPRESENTATIVES 2005/06	
			Appointee	Deputy (where applicable)
59	Reserve Forces and Cadets Association for Greater London	1	Thornton (withdrawn)  New nominee C. Mote	N/A

- (v) Councillor C. Mote moved and Councillor D. Ashton seconded a series of amendments proposing the deletion of certain nominations and their substitution by alternative nominations, as follows:-

Outside Body

2. Association of London Government Committees and Panels

(i) Leaders' Committee (s101 Joint Committee)

	<u>Original Nomination</u>	<u>Substitute Nomination</u>
Appointee:	Cllr. N. Shah	Cllr. C. Mote
Deputies:	Cllr. Dighé Cllr. Burchell	Cllr. D. Ashton Cllr. Romain
Observer:	Cllr. Ann Groves	Cllr. Silver
Appointee:	Cllr. Anne Whitehead	Cllr. Mrs Kinnear
Appointee:	Cllr. Burchell	Cllr. John Cowan
Appointee:	Cllr. Blann	Cllr. Romain

- (vi) As mover of the original motion, Councillor N. Shah advised Council that he was willing to accept that amendment which related to No. 54 above, which Council duly endorsed.

The other amendments set out at (v) above were each the subject of a separate vote, consequent on which those relating to outside bodies 2(i) and 33 were lost and those relating to outside bodies 23 and 71 were carried.

- (vii) Councillor N. Shah advised Council that one appointment listed in the original Summons document was no longer within the remit of this Authority and should be omitted from consideration.

The Council duly noted that "2. Association of London Government Committees and Panels: (xii) ALG Lead Member for Equalities" was to be otherwise appointed.

- (viii) The substantive proposals, as varied by (iv) to (vii) above, were approved.

**RESOLVED:**

**THAT THE SUBSTANTIVE MOTION AS TO THE OUTSIDE BODY APPOINTMENTS FOR THE MUNICIPAL YEAR 2005/06 (INCLUDING THE AGREED AMENDMENTS) BE APPROVED (the full list of appointments is attached as Appendix 3 to these Minutes).**

**F REPORTS FROM COUNCIL COMMITTEES****335. AUDIT COMMITTEE: TERMS OF REFERENCE:**

Further to the provision made at Item 15 of the Summons, the Annual Council Meeting received a tabled, second Supplemental Summons containing Recommendation I in this matter from the Audit Committee meeting held on 10 May 2005.

The Audit Committee Chair, Councillor John Cowan, formally moved the receipt of Recommendation I in the following terms:-

“That the revised terms of reference of the Audit Committee be adopted as set out in the appendix” (to the Recommendation).

The Recommendation was adopted as printed.

**RESOLVED:**

**THAT RECOMMENDATION I OF THE AUDIT COMMITTEE MEETING OF 10 MAY 2005 BE ADOPTED, TOGETHER WITH THE REVISED TERMS OF REFERENCE (as set out in Appendix 4 to these Minutes).**

**G COUNCIL MEETINGS****336. DATES OF COUNCIL MEETINGS 2005-06:**

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

**RESOLVED:**

**THAT THE FOLLOWING DATES FOR MEETINGS OF THE COUNCIL IN THE MUNICIPAL YEAR 2005/06 BE HEREBY CONFIRMED:-**

**20 OCTOBER 2005**

**19 JANUARY 2006**

**(COUNCIL TAX TAXBASE)** (subject to any change in the current Constitution, to delegate the statutory decision to the Executive)

**23 FEBRUARY 2006**

**(COUNCIL TAX)**

**27 APRIL 2006**

**25 MAY 2006**

**(ANNUAL COUNCIL)** (following the Borough Elections)

**H REPORTS FROM THE EXECUTIVE****337. OPERATION AND PROVISIONS FOR CALL IN AND URGENCY:**

In accordance with the requirements of Overview and Scrutiny Rule 23.7 the operation of the provisions for Call-In and Urgency are reviewed on an annual basis. Annual Council received a report of the Chief Executive confirming the circumstances in which these procedures had been utilised and in respect of which issues.

**RESOLVED:**

**THAT THE REPORT OF THE CHIEF EXECUTIVE IN THIS MATTER BE RECEIVED AND NOTED.**

**I**      **MISCELLANEOUS****338.**    **PROCEDURE FOR THE TERMINATION OF THE PROCEEDINGS:**

At 10.27 p.m., following the decision made at Resolution 337 above, the Mayor advised the Council that the closure time of 10.30 p.m. for Council Meetings as provided for in Rule 10.1 was about to be reached and sought Members' wishes as to how the final item on the Summons should be dealt with.

The Leader of the Council, Councillor N. Shah, proposed that the "guillotine" be extended by a further ten minutes until 10.40 p.m. to enable the Motion at Item 18 to be moved and considered.

On being put to a vote, the proposal was carried.

**RESOLVED:**

**THAT FURTHER TO THE PROVISIONS OF RULE 10.2 (ii)(b) THE ANNUAL COUNCIL MEETING PROCEEDINGS BE CONTINUED FROM 10.30 P.M. UNTIL 10.40 P.M..**

**J**      **ISSUES RAISED BY COUNCIL MEMBERS****339.**    **MOTION: AN OPEN BUDGET IN HARROW:**

(i) Further to Item 18 on the Summons, Councillor Mark Ingram formally moved under the provisions of Rule 15 the Motion relating to "An Open Budget in Harrow", which had been indicated as being seconded by the three political Group Leaders and was formally seconded by Councillor N. Shah, Leader of the Council.

(ii) In moving the Motion, Councillor Mark Ingram sought leave of the Council to effect an Alteration under the provisions of Council Rule 17.7, which was to delete the final words of the Motion "and as set out in the document titled 'An Open Budget in Harrow'."

The Alteration received the general assent of the Council.

(iii) Following debate and upon a vote the Motion was adopted.

**RESOLVED:**

**THAT THE SUBSTANTIVE MOTION, AS REVISED, BE ADOPTED IN THE FOLLOWING TERMS:-**

"That this Council notes

1. the unsatisfactory turnout at local and national elections,
2. the need to 're-engage' more effectively with the people of Harrow, in a cost-effective manner,
3. the successful use of open budget processes in various locations around the world, and
4. the document being circulated titled 'An Open Budget in Harrow' concerning the creation of an Open Budget Process for Harrow to commence with an Assembly in September or October 2005.

This Council believes that Harrow Council should make reasonable efforts to engage in an open budget process when setting the 06/07 budget that meets the principles below:

- Influence: those who take part in the process must feel that their views or decisions will have some influence;
- Information: information required by participants to deliberate on the budget is available in full and is presented in a user-friendly and accessible form;

- Deliberation: any events or meetings that are held as part of the process should be structured in such a way that they encourage self-education, deliberation and negotiation rather than confrontation;
- Feedback: all those involved must be kept informed of how their views and decisions have played a role in the decision-making process;
- Independence: the process should be supervised and assessed by an independent body if it is to possess legitimacy from the start.

This Council resolves that the Cabinet should take whatever steps are necessary to implement and reasonably resource an open budget process that meets with the criteria identified above.”

**[Note:** The Mayor at 10.40 p.m. advised the Council that the extended “guillotine” had been reached. The Council proceeded immediately to the vote on the Motion, as referred to at Resolution 339(iii) above].

**(CLOSE OF MEETING:** All business having been completed, the Mayor declared the meeting closed at 10.41 pm).

**ITEM 7**

**COUNCIL  
20 OCTOBER 2005**

**CABINET RECOMMENDATIONS**

**(1) 28 JULY 2005 REC. I: SERVICE PLANNING AND FINANCIAL  
PLANNING 2006-07**

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## REPORT OF CABINET

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### MEETING HELD ON 28 JULY 2005

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Chair: \* Councillor N Shah

Councillors: \* D Ashton \* Marie-Louise Nolan  
\* Burchell † O'Dell  
\* Margaret Davine \* Bill Stephenson  
\* Dighé \* Thornton  
† C Mote

\* Denotes Member present  
† Denotes apologies received

#### **PART I - RECOMMENDATIONS**

##### **RECOMMENDATION 1 - Service Planning and Financial Planning 2006-07**

The Executive Director (Organisational Development) introduced the report, which advised that under the Council's Constitution, Cabinet was required to propose, and Council agree, a timetable for consideration of the budget. She advised that the report set out the details of the proposed service and financial planning for 2006/7 and drew on the work of both the Overview and Scrutiny Committee and the Community Budget Group.

The Executive Director (Organisational Development) reported that the proposals would lead to a different means of consultation with residents on the budget and built on the recommendations of Scrutiny in relation to communications. The process had a far greater focus on value for money, built on the work that Cabinet had been doing via the quarterly strategic performance report and proposed a move to a 3-year service planning process.

Cabinet, having made a number of resolutions in relation to the detailed proposals,

##### **Resolved to RECOMMEND:**

(1) That the timetable, as set out in Appendix 1, for preparing the 2006/07 budget for consultation at the meeting of Cabinet in December 2005 be approved;

(2) that the endorsement of the Corporate Plan 2006/09 follow the Council elections in May 2006 and be published in July 2006.

**Reason for Recommendation:** To meet the statutory requirements to set a legal budget, determine the Council Tax Base and report the surplus or deficit on the collection fund.

(See also minute 800).

**APPENDIX 1**

**PROPOSED SERVICE PLANNING AND BUDGET TIMETABLE 2006/07**

Key Milestones 2005/06	Budget	Service Plan
End July 2005	Issue high level service plan guidance and timetable	
End July 2005	Report to Cabinet on Service & Financial Planning process and timetable for 2006/07	
August - September 2005	Delivery of high level service plans	
August - September 2005	CMT / Directors / Portfolio Holders review current MTBS and high level service plans	
September 2005	Budget Review Working Group to consider high level issues Full service planning guidance and templates issued.	
September/October 2005	Development of detailed budgets by Directorates	Development of more detailed service plans by Directorates
September/October 2005	<b>Open Budget Assembly</b>	
October 2005	Challenge process (Executive and Scrutiny members)	
October 2005	Report to Cabinet on MTBS refresh and issues for Corporate Plan	
November 2005	Budget Review Working Group to consider service & budget plans.	
Early December 2005	Provisional Finance Settlement received.	
15 December 2005	Reports to Cabinet to seek approval prior to consultation on draft MTRBS and revenue budget for 2006/07 draft MTCBS and capital programme for 2006/07 draft medium term HRA	
December 2005	Cabinet to approve Schools budget	
By 31 <sup>st</sup> December 2005	Executive Director (People First) gives notice of the Council's determination of the amount of the schools budget to the Secretary of State and to the governing body of every school maintained by the authority.	
January 2006	Reports to Cabinet on deficit/surplus on Collection Fund Council Tax Base for Tax Setting purposes	Draft Corporate Plan
January 2006 (dates to be confirmed)	Stakeholder meetings to discuss budget and service issues	
30 <sup>th</sup> January 2006	Overview and Scrutiny to consider initial budget proposals	Initial draft of service plans and Corporate Plan
By 31 <sup>st</sup> January 2006	Director of Financial and Business Strategy to notify precepting and levying bodies of Council Tax Base.	
End January 2006	Final finance settlement received.	
Early to mid February 2006	Details of GLA Precepts and other levies received	Challenge process to detailed service plans
16 <sup>th</sup> February 2006	Cabinet: Receives details of the finance settlement; Receives responses from consultation;	Amendments to Directorate service plans in light of challenge process feedback



<b>Key Milestones 2005/06</b>	<b>Budget</b>	<b>Service Plan</b>
	Considers budget proposals including advice on robustness of estimates and adequacy of balances; Recommends 2005-06 budget and Council Tax to Council.	
23 <sup>rd</sup> February 2006	Council approves: MTRBS, revenue budget for 2005-06 and Council Tax MTCBS HRA for 2005-06 and rents	
End February – 1 <sup>st</sup> week March	Council Tax billing begins	
10 <sup>th</sup> March 2006	Statutory date by which the Council must determine the 2004-05 Council Tax	
By end March 2006	Corporate budget book and service plans published.	
By end of May 2006		BVPIs collected
30 <sup>th</sup> June 2006		BVPP published incorporating the Corporate Plan. Sign off Corporate Plan to be timetabled around Cabinet and full Council dates.

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**ITEM 8**

**COUNCIL  
20 OCTOBER 2005**

**OVERVIEW AND SCRUTINY COMMITTEE  
RECOMMENDATIONS**

**(1) 26 APRIL 2005 REC. I: ANNUAL REPORT OF THE OVERVIEW  
AND SCRUTINY COMMITTEE**

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**REPORT OF OVERVIEW AND SCRUTINY COMMITTEE**


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**MEETING HELD ON 26 APRIL 2005**


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Chair: \* Councillor Jean Lammiman

Councillors: \* Blann \* Lavingia (4)  
 \* Gate \* Janet Mote (5)  
 \* Mitzi Green \* Pinkus  
 Mark Ingram \* Thammaiah  
 \* Mary John (3) \* Versallion

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

[Note: The following Members also attended this meeting to speak on the items indicated: Councillor Dighé (Minutes 279 and 280), Councillor Mrs Kinnear (Minute 282) and Councillor N Shah (Minute 277)].

**PART I - RECOMMENDATIONS**
**RECOMMENDATION I - Annual Report of the Overview and Scrutiny Committee 2004/05**

Your Committee, having been reminded of the requirement in the Constitution to report annually to Council, considered its draft annual report for 2004/05. The annual report provided an overview of the work of the scrutiny bodies over the past year, together with a flavour of the work which would be undertaken over the coming year.

Members requested a number of amendments to the draft report. In particular, it was requested that the report be updated to reflect that Cabinet had now considered and agreed the majority of the recommendations arising from the Environment and Economy Scrutiny Sub-Committee's review of household waste management, and also to reflect the current position with regard to the implementation of Phase 3 delegated funding for pupils with special educational needs. The matrix of statistics showing the amount of work undertaken by the scrutiny bodies over the past year was noted, and it was suggested that it would be useful to break this down further into the number of hours. It was also requested that the report thank those Members who had served on scrutiny committees earlier in the year.

The Chair thanked Members and officers for their work on the annual report.

The Committee, having approved the report as now amended,

**Resolved to RECOMMEND:**

That the Committee's annual report for 2004/05, as now amended, be noted.

(See also Minute 274).

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**OVERVIEW & SCRUTINY COMMITTEE**

**Annual Report  
2004 - 05**

HARROW **SCRUTINY**

# **OVERVIEW AND SCRUTINY ANNUAL REPORT**

**MAY 2004 – MAY 2005**

## **CONTENTS**

1. Chair's Foreword
2. Background to the Scrutiny function in Harrow
3. Areas for Development
4. Highlights from the work of Overview and Scrutiny Committee
5. Highlights from the work of the Scrutiny sub committees
  - Environment and Economy Scrutiny Sub Committee
  - Health and Social Care Scrutiny Sub Committee
  - Lifelong Learning Scrutiny Sub Committee
  - Strengthening Communities Scrutiny Sub Committee
6. Statistics
7. Concluding Thoughts



## **CHAIR'S FOREWORD**

2004 – 05 has been another challenging year for Overview and Scrutiny in Harrow. Our key role in challenging performance will make a significant contribution to the council achieving in its ambition to be rated as 'good' in our next Comprehensive Performance Assessment. We see Scrutiny as a significant contributor to the achievement of improvements in the delivery of services to local people – a combination of Councillors' drive and the support of the officers in the Scrutiny Team, makes us ideally placed to secure improvements in all aspects of the council's performance. Our profile has enabled us to secure additional resources for Scrutiny and, following the increase in its budget for 2004/05, the Scrutiny Team has been significantly expanded. The team now comprises a service manager, 3.5 Full Time Equivalent Scrutiny Officers, an administrative officer and an assistant review administrator. 2 of the Scrutiny Officer posts are currently filled by temporary staff but it is anticipated that permanent recruitment to these posts will be completed early in the spring. The expansion of the unit has meant that Overview and Scrutiny Committee and the sub committees have been able to deliver an expanded work programme during the year covering issues ranging from waste management to the budget making process.

And this year we have raised our profile with the local media: headlines in the Harrow Observer following the publication of our review of domiciliary care services, demonstrate the relevance of the work of the Scrutiny Committee to local people and how effective scrutiny will improve the services that they receive.

We have also raised our profile in the local government community. Colleagues from the London Borough of Havering visited us in March to see how the scrutiny function has been able to support the restructuring of the council. The delegation of councillors and officers was given information on the principles of the New Harrow Project and members of the Overview and Scrutiny Committee outlined how the restructuring has been supported by the New Harrow Project scrutiny reviews.

One of our priorities this year has been the review of the scrutiny process undertaken by the council's auditors Deloitte & Touche. This review, whilst acknowledging the improvements that have been made to Harrow's scrutiny process has presented the committee with proposals that will further enhance our performance. The review consolidates work already started to address some of the areas for improvement that we had previously identified. In particular we have already made great strides to improve the way we develop our work programme and identify reviews, this year the programme of reviews has been selected in accordance with a number of criteria:

- It is a matter of public interest/concern
- It is a corporate priority
- It is an area of poor performance or where performance improvement is a priority
- It is a national policy initiative
- A forthcoming inspection will take place in the area

This has greatly improved the performance of Scrutiny and has meant that we have been able to focus on those issues that are of particular importance to the council and local people. A formal set of principles for development of the work programme and for delivering this work programme is also being developed and will be considered by the Overview and Scrutiny committee in April.

In order to further improve our performance we have introduced a post review evaluation. All officers and councillors who have been involved in a review are now invited to complete a 'satisfaction' survey outlining how satisfied they are with the process and offering respondents the opportunity to make suggestions as to how the process might be improved. It is early days at the moment and only a small number of responses have been received. We are also introducing an annual survey of all councillors and senior managers to ascertain their views of the performance of scrutiny. Whilst we do not as yet have a large amount of data from which to draw conclusions, in the long term, this information will help us to ensure that we are responding to the concerns of our colleagues to make the Scrutiny review process as robust and as constructive as possible.

Last year's report highlighted the need to improve our engagement with local people. All of our reviews involve consultation with the public and the work programme itself is now being developed with an eye to residents' priorities – our web site survey elicited a number of suggestions from residents about potential areas for review. To further enhance our performance in this area, and indeed support the council to improve, this year's scrutiny review of community engagement will enable us to develop activity in a more focussed and methodical way. We have also improved our web site with a dedicated email address via which local people can contact the scrutiny team directly.

As said at the outset, this has been another challenging year for Scrutiny. However, we have continued to improve our processes and to support the council in its pursuit of improvement. A focussed committee and a fully staffed team mean that we look forward to the challenge of 2005 – 06 with relish.

**Councillor Jean Lammiman, Chair, Overview and Scrutiny Committee**

**Councillor Brian Gate, Vice Chair, Overview and Scrutiny Committee (from November 2004)**

**Councillor Mitzi Green, Vice Chair, Overview and Scrutiny Committee (until November 2004)**

## **BACKGROUND TO THE SCRUTINY FUNCTION IN HARROW**

Since May 2002 Harrow council's scrutiny function has been delivered via the Overview and Scrutiny Committee and the five sub committees: Environment and Economy, Health and Social Care, Lifelong Learning, Strengthening Communities and Call In. The key functions of the committee are:

- Policy review and development
- Consideration of statutory plans and budget proposals
- Holding the cabinet to account
- Performance monitoring
- Contributing to the council's community leadership role through scrutinising both council and non-council services such as health
- Active encouragement of public participation

The guiding principles of scrutiny are that it adds value by:

- Being strategic – it focuses on the key issues both now and in the long term
- Supporting improvement – it considers issues at a time and in a style that promote change
- Being focussed – it does not try to do too much and is clear on the purpose of reviews
- Providing accountability and challenge – reviews decisions and challenges conventional ways of working
- Impacting on the community – chooses subjects which matter to local people
- Being timely – directs its work for maximum impact before and after decisions are taken and reviews have a clear end point

### **Methods of working**

Whilst scrutiny is organised via a traditional committee structure that meets on a regular basis, the majority of its work is carried out outside of this formal structure by a number of review groups. These groups are constituted by each of the committee/sub committees in the early part of the municipal year when each is deciding on its annual work programme. As highlighted above the method for the selection of topics for inclusion in the work programme has been refined since the inception of scrutiny, with each committee/sub committee now being focussed on the need to support service improvement and policy development as well as the need to challenge the Cabinet. The outline work programmes for each of the committee/sub committees is attached as Appendix Two.

The review groups are made up of members of the respective committee/sub committee and other volunteer councillors who are not members of the Cabinet. The Lifelong Learning Sub Committee also includes 2 parent governor representatives and 2 church representatives. During the last year the review groups have increased the involvement of members of the public and partners and this year, for the first time, one of the review teams will be jointly chaired by someone from outside of the council – the Community Engagement review, to be undertaken by the Overview and Scrutiny committee is to be jointly chaired by the Chief Executive of Harrow Association of Voluntary Services.

A scrutiny officer supports each review group. The project plan for each review will include: interviews with external experts, visits to other service providers, surveys of local people and service users and general consideration of evidence of best practice elsewhere. In this way the review teams are able to analyse internal performance within the framework of external best practice.

Depending on the extent of the scope of the review and thus on the amount of work required, the review groups generally deliver the findings for consideration by Cabinet within 6 months.

## **Decision-making and call-in**

The call-in process enables decisions that have been taken but not yet implemented by the Cabinet, portfolio holders or officers to be examined by members of the Call In sub committee. 6 or more members must notify the borough solicitor of their 'call in' and they must specify the grounds upon which the call in is being made:

- Inadequate consultation has been undertaken with stakeholders prior to the decision
- The absence of adequate evidence on which to base a decision
- The decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework
- The action is not proportionate to the desired outcome
- There is a potential human rights challenge
- There has been insufficient consideration of legal and financial advice

The Call-In sub committee met 3 times during 2004 – 05

For urgent decisions the call-in procedure does not apply but 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. To date the Portfolio Holders and the Leader have taken 19 urgent decisions and the Cabinet has taken 3 urgent decisions.

## **The Scrutiny Team**

The Scrutiny Team now comprises the following officers. Two of the scrutiny officer posts are still to be filled on a permanent basis\*.

### **Service Manager – Scrutiny**

- Lynne McAdam

### **Scrutiny Officers**

- Frances Hawkins
- Heather Smith
- Susie Schwarz\*
- Alicia Weiderman\*

### **Administrative Support**

- Betty Mdoe (Cover for Ilona Margh's maternity leave)
- Ekua Boateng/Christopher Thomas (university work placement)



*Committee in action*

## **AREAS FOR DEVELOPMENT**

The next 12 months offer us a number of challenges together with a number of opportunities to ensure that scrutiny continues to contribute to improvements in the quality of life of local people. At the strategic level, a number of changes to the Comprehensive Performance Assessment (CPA) process, which grades all local authorities on a scale from 'poor', 'weak', 'fair', 'good' to 'excellent', are being considered. Whilst the council is currently assessed as 'fair' it has ambitions of being rated as 'good' by the time the next full assessment is undertaken. The changes in CPA being considered have a number of implications for the scrutiny process and would suggest scrutiny can make a considerable contribution to the delivery of a 'good' rating. CPA will no longer be heavily dependent upon inspection scores and will be much more focussed on real performance information. This means that councils will need to focus their improvement activities on identifying analysing and rectifying poor performance – arguably an excellent opportunity for scrutiny intervention.

Longer term proposals for the development of CPA suggest that post 2008 there will be far less external inspection as council's will be expected to have embraced the principles of continuous improvement and will now be well positioned to provide internal regulation and inspection. Again, this offers an excellent opportunity for scrutiny to support service improvement and the council's overall improvement objectives. The council may wish to make early efforts to develop appropriate mechanisms for undertaking this internal inspection function and should recognise the excellent opportunity afforded to scrutiny in this context. The more effectively councils can demonstrate this commitment to internal regulation and continuous improvement, the greater the probable reduction in ongoing inspection. There is a real opportunity for Harrow to develop member-led, 'cutting edge' processes.

A key measure of the council's performance under the revised CPA will be the success of our partnership working. In particular, our corporate assessment will consider:

- what we are trying to achieve with our partners (what is our 'ambition');
- the council's capacity to deliver these ambitions – including working together with our partners; and
- what we have actually achieved with reference to the 'shared national priorities' (sustainable communities, including transport, safer and stronger communities, healthier communities, older people and children and young people)

Again this offers a significant opportunity for scrutiny to extend its remit and to develop service improvement proposals that extend beyond the boundaries of our own core business. The Office of the Deputy Prime Minister is also placing greater emphasis on the role of scrutiny in assessing the performance of partners. A number of discussion papers around the creation of sustainable communities emphasising the role of local councillors in the developing these communities have been produced. From Scrutiny's perspective, the emphasis on "challenging and scrutinising public services; providing a challenge to the performance of all of the delivery agencies in a locality – including the council itself" included in the document 'Vibrant Local Leadership' is another indicator of the increased role and responsibility of the scrutiny function which we must address. The document emphasises the need for external focus in order to ensure community well-being and stronger local public accountability with local councils as the advocates of local people. Again this presents a significant opportunity scrutiny to deliver effective formally structured local challenge to the performance of all of the delivery agencies in a locality – including the council. The document seeks views as to what can be done:

"to ensure that the opportunity that scrutiny by local councillors can offer is grasped more firmly, as well as on how scrutiny is developed as part of the advocacy and leadership roles played by local councillors" – the government's high expectations of scrutiny are apparent.

Significantly more weight is to be given to customer satisfaction in future service performance assessments. A focus on the views of residents is central to the work of scrutiny – it is the concerns of local people that drive the committees' review programmes and their views are a critical component of each review that is undertaken. The integration of scrutiny into the service improvement process will thus make a significant contribution to the improvement of our rating.

Last year we identified the need to improve the involvement of councillors in scrutiny. Whilst some progress has been made in this area, we wish to see more improvements. The scrutiny team is investigating a number of options for engaging with councillors including:

- Development of the scrutiny unit web site and dedicated area of the site for members
- Provision of training for members – the committee is developing a strategic approach to the provision of training for members to ensure that support required is identified and met in a co-ordinated and cost effective way
- Production of a members guide to scrutiny

It is one of the priorities of the Overview and Scrutiny committees to increase councillor involvement in the process and the importance of work identified above is likely increase as we head towards the council elections in 2006.

## **HIGHLIGHTS FROM THE WORK OF OVERVIEW AND SCRUTINY COMMITTEE**

### **Overview of work undertaken**

Key areas of work for the Overview and Scrutiny Committee have included:

- Scrutiny reviews of New Harrow Project, Budget Processes, Middle Management Review, Community Engagement
- Independent review of scrutiny
- Establishment of an Audit Committee
- Business Continuity Planning
- IT strategy progress and improvement, including the e-enabling of public services
- Monitoring of the Council's Improvement Plan;
- Quarterly monitoring report of the Best Value Performance Indicators (BVPIs) for 2004/05 and the successor strategic performance report
- Consideration of proposals for Best Value Performance Plan (BVPP)
- Consideration of the proposals for the Government's new approach to the Corporate Performance Assessment process
- Holding the Council Leader and Chief Executive to account through attendance at formal Committee meetings;
- Consideration of the external auditors' audit plan, the internal audit plan, monitoring of progress made against agreed actions arising from the annual audit letter;
- Consideration of the Council's first Statement of Internal Control;
- Budget items including the Civic Budget and medium term budget strategy (MTBS)
- Examination of the Procurement Process for the Business Transformation Partnership and the contract for the management of the Council's Leisure Facilities
- Monitoring of the performance of Housing Benefits Administration following the previous scrutiny review and the Benefit Fraud Inspectorate on its administration
- Monitoring services where there has been national or external input such as the Harrow Learning Disability team;
- Consideration of the corporate governance framework principles and integration into the terms of reference of the Overview and Scrutiny and Audit Committees

## **Key areas of impact**

### **Review of the New Harrow Project ( NHP)**

As indicated in our last annual report, the main focus of our review work has the New Harrow Project (NHP) and the Council's budget processes.

We had previously undertaken a review of the South Harrow Public Realm Maintenance Pilot and followed this up with Phase 2 of the NHP review, which examined the concept and implementation of the whole project as well as its impact. The new organisational structure was evaluated through an examination of changes made to the internal management of the Council whilst two case studies (on the community schools pilot and public realm maintenance in areas 2 and 3) contributed to an assessment of the project's impact. The Executive's response to the recommendations relating to the Community Schools Pilot were reported in our 2003/04 annual report, having been submitted at an earlier stage to Cabinet to ensure that lessons learnt in the operation of the pilot would be applied in the roll out to other clusters.

The committee's recommendations relating to the overall review of the concept of the NHP as well as those relating to the roll out of PRM services to Areas 2 and 3 were presented to Cabinet by Cllr Jean Lammiman, Chair of the Overview and Scrutiny Committee and we are pleased that these were all accepted by Cabinet. We were also greatly encouraged by the Leader of the Liberal Democrat Group's public and very positive endorsement of the work carried out. Our own high points from this work have included the active involvement of business, community and partner representatives in our two case studies, the opening out of scrutiny work being one of our aims for this year.

Monitoring of progress against our recommendations is currently being undertaken by the relevant lead Member and is to be supported by an exception reporting process to Overview and Scrutiny Committee at a later stage.

Members of the review group are also piloting a questionnaire evaluating its own performance on the review, which is a first step towards introducing measures of our own performance. Overall, the review had been effective and the group had worked together efficiently and well. A full Value for Money (VFM) evaluation had, however, not been possible due both to the breadth of impact of the NHP and the need to allow the new structure to become embedded. Many of the senior management appointments were still being made during the period of the review and the Middle Management Review (MMR) process was also still in its early stages. The review group would, however, be revisiting the issue of VFM/organisational effectiveness later in 2005.

Our interest in the MMR is already being pursued further. As the Council had commissioned a consultant to undertake a review of the MMR process, our own 'light-touch' review was undertaken, using the consultant's research as the starting base for our study. We endorsed the consultant's recommendations and, in view of the wish to introduce a revised selection process as soon as possible, put forward some interim recommendations relating to the appointment of high-level visible champions and Directorate sponsors of the process together with the setting of a clear end date. The review group was pleased to note the positive response from the Chief Executive to its findings. A final review of the MMR process is likely to take place towards the end of 2005 to assess the longer-term impact of the process.



In addition to a number of detailed recommendations arising from the case studies, the review made a number of high-level recommendations for improving organisational performance. We are pleased to see that progress is already being made by the Executive on a number of these although further work is still needed in some areas, including the critical issue of effective briefing of non-Executive Members both through the cascading of information by the political groups and through officer briefings. In this connection, we have asked that the Area Directors provide a briefing for scrutiny Members on their roles, key challenges and operation of the area structure; given the importance of this to all Members, we are delighted that this opportunity is to be extended to all Members of the Council.

### **Budget Processes Review**

As our second major review area, we have been continuing work on our review of the Council's budget processes. Our last report highlighted the work that we had undertaken on surveying a cross-section of Council employees to ascertain which aspects of the process are robust and where there is scope for change or improvement. This report was updated to include the responses to a similar survey of members in our report to Cabinet in March. We convened a highly successful seminar on "Participatory Budgeting: Practice and Potential" which looked at new ways to engage the public, including initiatives in operation in Porto Alegre, Brazil.

We have also looked at good practice nearer home, visiting Camden, Croydon, and Kensington and Chelsea Councils. We discussed how they incorporated consultation into their current practices, how communication flowed through different levels and departments of the council and which budgeting methods proved to be the most effective in terms of finance and goal setting. This information provided the committee with some useful options for consideration in Harrow's own budgeting process.

Our recommendations on the consultation for formulating the 2005-06 budget were discussed with the Portfolio holder and used to inform the adopted process. Our full interim findings, together with input from local residents and councillors, have been brought together into the Phase One report of the budget review that was considered at the February meeting of the Overview and Scrutiny Committee and then by Cabinet in March.

The work of the review group is now in its second phase, the focus of which is work being undertaken by our newly established Community Budget Group (CBG), a residents panel working to address both the issues of budgeting and consultation. The CBG was created as an experiment in community involvement in the Scrutiny process, having a majority of residents and being given a 'free hand' in defining its agenda and purpose. The group consists of a variety of volunteers self-selected for their interest in improving consultation and the budget process. It has had a wide scope to consider the role of the council and the community in Harrow's budget, and has met regularly. The group have begun to develop a tool to assist Councillors, officers and the public in understanding local budget decisions. The group will also provide recommendations on the role and composition of next CBG.

The establishment of the CBG has provided Harrow with an exciting opportunity to increase engagement between the public and the council on an important issue. The council will look to build on this initial step in the following year.

We have been grateful for the support of non-Scrutiny Members, including Ward Councillors, on our reviews and have very much valued their contributions and continued interest. We have been particularly pleased that colleagues who have helped us on one review have found the experience rewarding and have volunteered to serve on a second review. We welcome and look forward to a continued development of involvement in the scrutiny function amongst our non-executive colleagues.

The year has also seen the Committee considering a Benefit Fraud Inspectorate (BFI) report on the re-inspection of the Housing Benefits service, a service which we had previously reviewed. We note that the service has now been recognised as 'good' as part of the Government's Corporate Performance Assessment of Local Authorities and designated as a reference site for other Local Authorities. The 'good' assessment for this service is the highest given to a London Authority and one that is shared by only a few Authorities across the country. We commend the tremendous and innovative work of officers and their achievement in dramatically improving this service, resulting in a considerable reduction in the timescale for processing residents' claims.

Our work does not, of course, only extend to reviews. We have used our formal Committee meetings to examine other key issues, including those indicated above. In accordance with our important role in driving forward the Council's improvement agenda, we have continued to give careful consideration to the Authority's performance monitoring processes. In this connection we have very much welcomed the introduction of the new strategic performance reporting framework, which we believe is a much improved and strengthened process which, rightly, focuses Member and officer attention on areas of weak performance.

The establishment of the Audit Committee has been a further focus of our attention over the past year. Given the importance of the new Committee, and its impact on our own functions, we returned to this issue at a number of our meetings before finally reaching our recommendations on its structure, function and terms of reference, which incorporate the principles of the corporate governance framework. This recommendation has now been agreed and implemented by the Council.

Our responsibility for holding the Executive to account has been exercised in a variety of ways, including individual reviews, the Call-In process and the attendance of the Leader, Chief Executive and relevant Portfolio Holders at our formal Committee meetings. Whilst these sessions can, by nature, be challenging we believe that the ensuing dialogue has been positive and look forward to a continued strengthening of the Executive and scrutiny relationship. We believe that this is critical to fulfil our role as the 'critical friend' of the Executive..



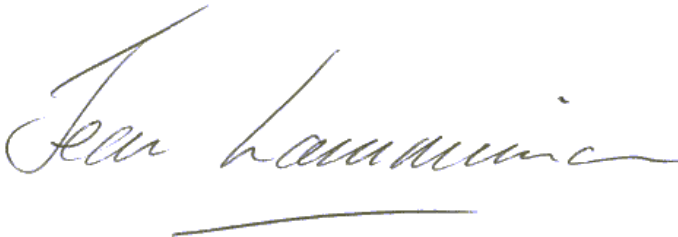
*The Community Budget Group at work*

## **Key areas of work for 2005/06**

In 2004/05 we intend to continue our work on the Middle Management Review process as well as return to look at the New Harrow Project from the perspective of organisational effectiveness. Our work on the budget processes review is also continuing.

We will also be undertaking a major piece of work around Community Engagement, an area of interest for us that has developed from findings in our other recent reviews (including the Budget Processes Review) issues considered by the Call In Sub-Committee and from feedback to us as Ward Councillors. We shall be working in tandem with the Council's Policy and Partnership Service, whose aim is to develop a Council-wide Community Engagement Strategy. We are delighted that Julia Smith, Chief Executive of the Harrow Association of Voluntary Service, has agreed to jointly chair this review with Councillor Adam Lent. The chairing of a review by a non-Councillor is a new initiative for Harrow Council and one of which I am particularly proud and which we believe to be appropriate and especially beneficial in this particular case. We look forward to working constructively with the Policy and Partnership Service in this important and exciting area of policy development for the Council and its residents.

In addition to our work on scrutiny reviews we will continue to undertake to hold the Executive to account, to monitor the Council's preparations for its next CPA, to contribute to the policy development process through targeted consideration of key issues and thus to ensure the council is fully equipped to deliver excellent services to local people.



**Councillor Jean Lammiman**  
**Chair Overview and Scrutiny Committee**



### **Statistics:**

Committee meetings: 5 ordinary, 1 special

In-depth reviews: 5

Review meetings: 36

Visits/informal meetings: 11 visits

Attendance by Portfolio Holder (number of meetings): 2

Attendance by the Leader (number of meetings): 3

Attendance by the Chief Executive (number of meetings): 1

Statutory items considered: 4

## **HIGHLIGHTS FROM THE SCRUTINY SUB COMMITTEES** **ENVIRONMENT AND ECONOMY SCRUTINY SUB COMMITTEE**

### **Overview of work undertaken**

This year has been another interesting year for the Environment and Economy sub-committee. We have had the opportunity again to work in some extremely interesting areas examining issues that have allowed Scrutiny to contribute more broadly to the achievements of the Council.

Among other responsibilities, the sub-committee has:

- **Had a presentation of the Local Public Service Agreement (LPSA) targets.** LPSA are an agreement between local councils and the Government, aimed at improving services within the Local Authority as well as meeting public expectations. Twelve targets were agreed to for the Council – five of which were within the boundaries of the Environment and Economy Sub-Committee. Due to the cross cutting nature of some of the indicators, Strengthening Communities Sub Committee was invited to attend this presentation. Adequate monitoring of these targets is important as if met will bring government funding and improved services for the community.
- **Considered environmental issues in the area including local flooding and green belt management.** The committee considers a range of environmental issues each year and demonstrates one of the many ways scrutiny can contribute to improving the environment for Harrow. We will be reviewing the Green Belt management report once it has been issued.
- **Completed a scrutiny review on Household Waste Management.** This review has yielded one of the key areas of impact for the Environment and Economy Sub-committee this year. Results from this review will contribute to the efforts of the council to minimise waste, while maximising our ability to reach recycling targets.
- Received a progress report on the Council's action plan relating to the **Housing Best Value Review**. The Committee is to monitoring the Council's progress against this action plan to ensure targets are being met.
- Considered items **referred to it from Cabinet**.
- Considered a referral from the **Tenants' and Leaseholders' Consultative Forum** regarding the preservation and management of trees in the area. The outcome of this discussion will see a review of the Tree Preservation Orders in the area in question which will be submitted to the Committee at a later date.
- Continually monitored progress toward the establishment of the **Arms Length Management Organisation (ALMO)** and raised questions surrounding the Council's decision to move away from this option. Scrutiny played a valuable role in questioning and checking the Council decision in this area.

- Considered the implications of the new **Licensing Act 2003**. The committee noted the potential work and time pressures which would be on the Licensing Panel (established to manage changes arising from the Act) and recommended the panel be convened quickly to ensure adequate timeframes to make quality decisions regarding this policy and should investigate whether to pay an allowance to panel members.
- Monitored the implementation of the **Private Sector Housing Renewal Policy**.
- Commented on the **Transport Local Implementation Plan**.

### **Key Areas of Impact**

As highlighted in our Annual Report last year, the issue of waste management has been of high importance for scrutiny this year. The Review of Household Waste aimed to progress the initiatives toward meeting or surpassing the Council's Best Value Performance Indicators (BVPI) for recycling, as well as identifying new initiatives to further expand recycling and composting in the borough. The review group consisted of Councillors and a co-optee from local environmental group Agenda 21.

A substantial amount of research was conducted as part of this review. Much good practice information was gathered through the group's visits to other local authorities. Daventry, Bexley and Barnet were all visited to learn more about their collection processes and communication tools with a view to using this information to help Harrow increase its own recycling and composting rates. Input from residents was received through two separate forums - at the Harrow Show and from the Harrow Partnership with Older People (POP) Panel. The committee also engaged with members from the workforce including recycling officers and shop stewards. A visit to the Greater London Authority was also made to help understand how the Recycle for London campaign can be tied in with Harrow's initiatives. Finally a visit following the collection rounds and to the Harefield waste site were made for background research.



*Keeping green and clean!*

Helpful information was received from all of these forums about education programs, collection routes, promotional materials, practical issues as well as suggestions for how to educate residents. The input gained from each of these forums has been invaluable in informing recommendations from the report. The subcommittee will present its report to Cabinet in April and will be closely monitoring the effect any recommendations have on waste management in Harrow.

A review has also been undertaken by the Overview and Scrutiny (O&S) Committee of the roll out of Public Realm Maintenance services to Areas 2 & 3. This has formed a case study to the second phase of the O&S review of the New Harrow Project. The Chair of this Sub-Committee led the case study, which also involved Ward Councillors as well as representatives of the local community and businesses. Further information on this case study is included in the section of this report that provides highlights of the recent work of the O&S Committee.

## **Key Issues for 2005/06**

In the next year, the Environment and Economy sub-committee will continue to examine areas of concern to residents. Areas for review have been canvassed from the public, from council officers and from Councillors.

In particular, consideration will be given to:

- Local traffic and road issues;
- Maintenance of parks and public areas;
- Ongoing monitoring of the implementation of the Licensing Act 2003;
- Monitoring the implementation of recommendations from the Scrutiny Review into Household Waste.
- Monitoring housing issues;
- Reviewing management of the Green Belt; and
- Monitoring progress towards Local Development Framework.



## **Councillor Alan Blann**

**Chair, Environment and Economy Sub-committee**



### **Statistics:**

Committee meetings: 4 ordinary, 1 special

In-depth reviews: 1

Review meetings: 3 review meetings

Visits/informal meetings: 4 visits, 1 public consultation (Harrow Show), 3 meetings with stakeholders

Attendance by Portfolio Holder (number of meetings): 3

Statutory items considered: 2

## **HEALTH AND SOCIAL CARE SCRUTINY SUB COMMITTEE**

### **Overview of work undertaken**

The Health and Social Care Scrutiny Sub-Committee has responded to a number of health and social care issues in the borough over the past year. The Committee has undertaken a major review, monitored progress on recommendations arising from previous scrutiny reviews, continued to build positive working relationships with local and regional Health bodies and Patient and Public Involvement forums, and has monitored progress on key areas of work within the Council, the North West London NHS Trust and Harrow PCT.

The Committee has:

- undertaken an in-depth review of Homecare Services commissioned by Harrow Council
- agreed to establish a joint health overview and scrutiny committee with Brent Council, and possibly other councils, to respond to North West London NHS Trust proposals to redevelop Northwick Park Hospital
- submitted a written response to a request from the London Assembly Scrutiny Committee for information regarding young people's access to sexual health services
- contributed to the updating of the Age Concern Survey of Harrow's Homecare Service users
- received and considered a number of written and verbal reports in order to monitor:
  - NHS proposals for the redevelopment of Northwick Park Hospital
  - progress on the North West London Patient and Public Involvement (PPI) Strategy and Action Plan
  - concessionary travel issues
  - the National Service Framework for Older People
  - the School Nursing Service in Harrow
  - Patient and Public Involvement (PPI) Forums
  - Social Services Complaints
  - progress on the implementation of the recommendations of past scrutiny reviews including the Support to Carers and Delayed Transfers of Care reviews
  - the future of Mount Vernon Hospital cancer services
  - People First's achievement against Personal Social Services Performance Assessment Framework (PAF) Indicators
  - Harrow PCT's NHS Performance Rating & the development of its Performance Improvement Plan
  - the Care Services Commission of Inspection (CSCI) Annual Review, Star Rating, and Performance Report.

### **Key areas of impact**

The committee's key focus this year was to examine the quality of homecare in the borough and to recommend actions for improvement. The committee carried out an in-depth review of Homecare Services in collaboration with Harrow Age Concern and community and voluntary organisations between June and December 2004. Cabinet requested that the committee undertake this review, largely to investigate public concerns regarding the quality of homecare and homecare charges.



*Health and Social Care sub in session*

As well as investigating the quality of care, the review also focused on the effectiveness of the Council's homecare monitoring processes as well as its processes for setting and administering homecare charges.

The committee invited service users, carers, care workers, trade unions, homecare agency managers, council staff, health professionals and community and voluntary organisations to share their views about the quality of homecare and about homecare charges.

The homecare review illustrates the ability of scrutiny to act as a 'critical friend' to the council. The review, which was received well by Cabinet, revealed both strengths and areas for improvement in the delivery and monitoring of homecare services. The review highlighted key service user and carer concerns and outlined a number of recommendations for urgent and medium-term action, and generated significant media interest. The review findings and recommendations were presented to, and accepted by, Cabinet in January 2005. Since the review report was published, the Council has taken action on a number of recommendations. For example, the Council is looking at ways to provide care workers with parking permits. This will help alleviate the parking difficulties faced by care workers, which the review found was a significant contributing factor to late homecare visits. Further actions will be incorporated into Council service plans to ensure that service user concerns are addressed. The Committee will continue to monitor progress against the review's recommendations.

The Committee would like to thank those who contributed significantly to our work over the past year. In particular, we wish to thank Andrew Morgan (Chief Executive, Harrow PCT) and his team, and Shahed Ahmad (ex Director of Public Health, Harrow PCT and recent Advisor to the Committee).

We would also like to extend a warm welcome to Jean Bradlow (Director of Public Health, Harrow PCT), Shahed's successor, who joins us in the role of Advisor to the Committee, and who has already made a noteworthy contribution.

We would also like to thank Louise Stevenson (Age Concern), John Pope (Chief Executive, North West London Hospitals NHS Trust), Mike Thomson (Associate Director of Operations, North West London Hospitals NHS Trust), and members of the Council's Scrutiny Unit and Departmental Officers for their invaluable support.

The committee is particularly grateful for the support of Paul Clark (Director of Children's Services) and Jeff Hobden (ex Interim Director of Community Care). We welcome, and are pleased to have the opportunity to work with, Lorraine O'Reilly (Recently appointed Director of People First) and Penny Furness-Smith (Recently appointed Director of Community Care).

We would further like to thank Age Concern, Carers' Support, Harrow Council for Racial Equality, the Partnership with Older People Panel (POP) and Harrow Association for Disabled People (HAD), for their contribution to the homecare review. Particular thanks are due to Councillor Margaret Davine, Portfolio Holder for Health and Social Services, who has been highly supportive. Last but not least, we wish to acknowledge the previous chair of the Health and Social Care Sub Committee, Councillor Marie-Louise Nolan, who is now the Portfolio Holder for Communications, Partnership and Human Resources. Councillor Nolan has been an excellent and highly dedicated Committee Chair and will continue, we are sure, to make a positive impact in her role as Portfolio Holder.



## **Key areas of planned work for 2005-06**

One of the key areas of focus for the committee over the next year will be the redevelopment of Northwick Park Hospital. Over the next four to five years, the North West London Hospitals NHS Trust aims to transform Northwick Park Hospital into a modern hospital and to integrate acute hospital services with local community and primary care services. The proposed service reconfiguration will have implications for health and social services in Harrow and for those in neighbouring boroughs. While there will not necessarily be any change in the range of services available to Harrow residents post redevelopment, the way in which services will be delivered is likely to change significantly. The proposed service model will also mean there are fewer beds at the hospital and more emphasis will be placed on care in the community. As these proposals are likely to lead to a substantial variation in service provision, the Committee has agreed to form a joint health Overview and Scrutiny committee with Brent and other affected councils. The joint committee will examine whether proposals will address the health and social care needs of residents and submit its findings and recommendations to the Trust.

Other key areas of focus over the coming year will include the provision of cancer services at Mount Vernon Hospital and the implementation of the Harrow Primary Care Trust Local Delivery Plan. In addition, the Health and Social Care Scrutiny Sub-committee will continue to strengthen its links with the wider health and social care community, and closely monitor the outcomes of its previous reviews.



### **Councillor Howard Bluston** **Chair, Health and Social Care Sub-committee**



#### **Statistics:**

Committee meetings: 4 ordinary, 1 special

In-depth reviews: 1

Review meetings: 19 review meetings

Visits/informal meetings: 3

Attendance by Portfolio Holder (number of meetings): 3

Statutory items considered: 1

## **LIFELONG LEARNING SCRUTINY SUB COMMITTEE**

### **Overview of work undertaken**

In 2004/05, in addition to undertaking scrutiny reviews, the Sub-Committee has received items on:

- Harrow Parent Partnership service
- Adult and community learning
- Implementation of the SEN strategy - update
- Education service review (the Portfolio Holder attended to participate in the discussion)
- Harrow Teachers' Centre
- Public Library Position Statement
- SACRE
- Schools budget 05/06, People First Education Budget and MTBS
- Lifelong Learning elements of the strategic performance report
- Early years and childcare strategy
- Travellers' education service

### **Key areas of impact**

Our report on the special educational needs (SEN) statementing process was submitted to Cabinet in July 2004. The findings and recommendations from the review have been broadly accepted and it is considered that these will help inform improvements to the service. We received an update on progress at our January meeting and were pleased to learn that many of the recommendations were being implemented, particularly the booklet for parents and carers on the statutory assessment process.

The review of the statementing process drew to our attention the proposals for further delegation of SEN funds to schools in early 2005. For this reason the Sub-Committee conducted a review to contribute to the policy development of the changes. The review group undertook desktop research in order to explore the drivers for this change, which include the LEA's last OFSTED report and guidance from the DfES. The review group met with Roger Rickman (Group Manager Enhanced Services) and Carole Tobin (Adviser, School Development Services) as well as officers from LB Hillingdon and Slough Borough Council. The report was referred to Cabinet in February, which welcomed the report and accepted its recommendations in full. A working group to oversee the implementation of Phase 3 and the recommendations has been instituted, of which the chair and vice-chair are observers, and Cabinet will be receiving its report and action plan in March.

We also agreed to constitute a Cultural Strategy working group to discuss the areas that had been labelled as requiring further development. The working group has met three times and has considered the Cultural Strategy Action Plan and update on progress so far. The Cultural Strategy will continue to be an important area of focus and we will be considering how to engage with the strategy, in the light of the recent inspection by the Audit Commission of the Council's cultural services.



*Libraries as a focus for lifelong learning*

The Sub-Committee recently met with an educational consultant employed by the Council to review the Council's approach to managing behaviour in schools and tackling the relatively high rate of exclusions, including provision for excluded pupils with SEN Statements. Following the decision to appoint the consultant the sub-committee decided to suspend its planned review of exclusions until it could examine the recommendations in his report.

### **Key areas of planned work for 2005-06**

The Sub-Committee has agreed to undertake an in-depth review of Adult and Community Learning.

Other topics for examination during the course of the year are:

- Exclusions (one-off informal meeting)
- Cultural services (format will depend on outcome of the cultural service inspection)
- Development on children's trust
- 14-19 education reforms
- Outcomes for looked after children
- Harrow Teachers Centre
- Recruitment of qualified librarians
- Education Service Review
- Schools budget 05/06, People First Education Budget and MTBS
- Statutory plans
- Progress on reviews undertaken 2002-2006
- GCSE results
- Single Status implementation in schools

Mitzi Green

### **Councillor Mitzi Green** **Chair Lifelong Learning Sub Committee**



#### **Statistics:**

Committee meetings: 4 ordinary, 1 special

Working group meetings: 3

In-depth reviews: 2

Review meetings: 10

Visits/informal meetings: 1

Attendance by Portfolio Holder (number of meetings): 3

Statutory items considered: 3

## **STRENGTHENING COMMUNITIES SCRUTINY SUB COMMITTEE**

### **Overview of work undertaken**

The Strengthening Communities work programme over the past year has included items on:

- Community cohesion
- Strategic review of grants
- Harrow Strategic Partnership
- Post office closure programme
- Establishing local priorities for the community strategy
- Safer Harrow Crime and Drugs Audit and the Crime and Drugs Strategy
- Community engagement strategy

### **Key areas of impact**

The Post Office closure programme has formed the main plank of the Sub-Committee's work this year, generated by the high level of public concern about the proposals. Our interim report, which outlined a proposed method of response to the consultation, was referred to the Leader in July. Following this report, the Council undertook to hold a public meeting and to respond to Post Office Ltd on the proposals. In September, details of the nine post office branches that the Post Office was intending to close were released. The Council held a public meeting on 23 September 2004. The Panel included Drew McBride (Head of Area Post Office Ltd), Kay Dixon (Chairman, Postwatch Greater London) and the three political group Leaders. We are grateful to Cllr Ann Groves for chairing the meeting. Around fifty members of the public, including representatives of voluntary and residents associations, attended. Nearly one hundred letters and emails were also received.

At its meeting on 4 October, the Harrow Strategic Partnership passed a resolution expressing serious concern regarding the closure proposals; a motion in support of this resolution was passed by full Council on 21 October. We were disappointed to learn that none of the branches have been saved from closure. However, in our role as community leaders we were able to represent the concerns of local people and local businesses to Post Office Ltd. Postwatch, the consumer council for postal services has also been able to follow up on concerns raised about particular branches as a result of feedback and information we have received from the community about their local facilities. We were also pleased to take the lead on responding to an important piece of local consultation on behalf of the Council.



Another area of focus has been the *Safer Harrow* Crime, Disorder and Drugs Strategy 2005-2008 and the crime and drugs audit summary. With regard to the Crime and Drugs Strategy, the Sub-Committee was advised that after national and local priorities had been considered and the results of widespread consultation with the public analysed, four main priority areas had been identified for inclusion in the strategy. These consisted of tackling and preventing youth crime, property crime, a reduction in the impact of anti-social behaviour and Violence Against the Person (VAP). In addition, we were informed that three cross-cutting themes were to underpin each of these priority areas - Community Involvement and Diversity, Prolific and Priority Offenders Scheme, and Drugs and Alcohol

As well as considering items on crime and drugs in the borough, we were pleased to receive a presentation at one of our meetings from DCI Alan Aubeelack on crime statistics for the borough. We were informed that fear of crime was high amongst Harrow residents despite the fact that there had been a marked decrease in the number of certain crimes such as residential burglary. We feel that this is an area that would benefit from some further examination by the Sub-Committee and we have agreed to undertake an in-depth review in 2005/06. We also look forward to receiving regular reporting on local crime statistics.

We welcomed the opportunity to invite the new Portfolio Holder for Communications, Partnership and Human Resources to respond to questions. We look forward to meeting with her in the future.

The Sub-Committee has continued to maintain a watching brief on the Community Strategy. Particular areas of interest to us have included the development of the Harrow Strategic Partnership reference groups, and ensuring that they are able to adequately pick up the needs of local communities.



*Engaging with our older residents through the POP*

In 2005/06, the Overview and Scrutiny Committee will be undertaking work on the development of a community engagement strategy. The Sub-Committee will continue to take an active interest in the development of the strategy and to contribute to the review.

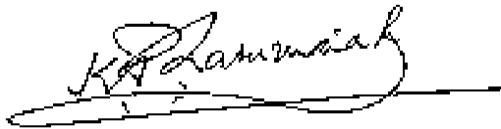
## **Key areas of planned work for 2005-06**

The Sub-Committee has agreed to undertake in-depth reviews on the following topics:

- Reducing fear of crime
- Effectiveness of the Council in supporting the capacity of the voluntary sector to attract funding

Other topics for examination during the course of the year are:

- Post Offices (public meeting)
- Improving service delivery – meeting needs of local communities (linked to cross-cutting review to be led by O&S)
- Income deprivation
- Developing the second generation LPSA targets
- Corporate Equality Plan
- Youth diversionary activity
- MORI survey
- Strategic review of grants
- Better Government for Older People
- Crime and Disorder Reduction Strategy
- Domestic violence/forced marriage/forced prostitution
- Community Engagement Strategy
- Regular reporting on local crime statistics



### **Councillor Keeki Thammaiah**

**Chair, Strengthening Communities Sub Committee**



#### **Statistics:**

Committee meetings: 4 ordinary

In-depth reviews: 1

Review meetings: 1

Visits/informal meetings: 1

Attendance by Portfolio Holder (number of meetings): 2

Statutory items considered: 1

## **CALL IN SUB COMMITTEE**

The call in process enables decisions that have been taken but not yet implemented by the Cabinet, portfolio holders or officers to be examined by members of the Call In sub committee. 6 or more members must notify the borough solicitor of their 'call in' and they must specify the grounds upon which the call in is being made:

- Inadequate consultation has been undertaken with stakeholders prior to the decision
- The absence of adequate evidence on which to base a decision
- The decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework
- The action is not proportionate to the desired outcome
- There is a potential human rights challenge
- There has been insufficient consideration of legal and financial advice

The call in sub committee can reach one of the following conclusions:

- The challenge to the decision should be taken no further and the decision should be implemented
- The decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework and should therefore be referred to the council
- The matter should be referred back to the decision taker for reconsideration.

The call in sub committee met 3 times in 2004 – 05.

In **June 2004** the sub committee considered the actions of the Environment and Transport Portfolio holder regarding the introduction of a 20 mph zone. The decision was called in on the basis that there had been inadequate consultation with stakeholders prior to the decision, by virtue of the fact that a petition signed by residents had not been considered by the Traffic and Road Safety Advisory Panel.

The members agreed that from the point of view of the petitioner the consultation process had not been satisfactory but they were satisfied that there had been full consultation and that the portfolio holder had taken into consideration all of the objections received to the scheme. The sub committee therefore did not uphold the grounds for call-in but emphasised the importance of the public believing that their response to consultation was valued and given proper consideration. The sub committee also requested that officers give consideration to including the works necessary to remedy the parking problems elsewhere in the area. They also referred their concerns re response times to correspondence to the Publications Panel.

In **November 2004** the sub committee considered the decision of the Environment and Transport Portfolio Holder to introduce a pelican crossing in the town centre and to remove traffic flow restrictions on taxis in the town centre. The decision had been called in because:

- There had been inadequate consultation with stakeholders prior to the decision
- There was inadequate information upon which to make a decision

The members of the call in sub committee rejected the grounds for the call in and recommended that the decision be implemented. In order to address concerns around consultation it was agreed that the Traffic and Road Safety Advisory Panel be asked to consider whether, for proposals subject to traffic orders in the town centre the consultation should be widened, different methods of consultation should be used and more detailed information should be provided to ward councillors.

In **January 2005** the call in sub committee met to consider the decision of the Environment and Transport Portfolio Holder to introduce limited extensions to a CPZ and to undertake further consultation with residents of a number of roads within the planned extensions. The decision had been called in because:

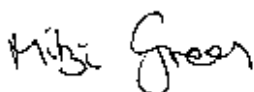
- There had been limited consultation with stakeholders
- There was inadequate evidence upon which to base a decision

Members agreed that call in of the portfolio holder's decision should be upheld on the grounds of inadequate consultation with stakeholders prior to the decision and that this should be referred back to the portfolio holder. The Leader of the Council subsequently upheld the decision of the call in committee and it was agreed to re-consult on the part of the decision that had been called in.

The meeting of January 2005 also considered a decision of the Environment and Transport Portfolio Holder to implement a scheme to improve traffic and pedestrian access. The decision had been called in because:

- There had been limited consultation with stakeholders
- There was inadequate evidence upon which to base a decision

The sub committee rejected the grounds for call in and recommended that the decision be implemented.

A handwritten signature in black ink that reads "Mitzi Green". The signature is written in a cursive, slightly slanted style.

**Councillor Mitzi Green**  
**Chair, Call-In Sub Committee**



**STATISTICS**

	Committee meetings:		One off working group meetings	In-depth reviews	Review meetings	Visits/ informal meetings	Attendance by Portfolio Holder (number of meetings)	Statutory items considered
	Ordinary	Special						
<b>Overview and Scrutiny</b>	5	1	-	5	36	11	5	4
<b>Environment and Economy</b>	4	1	-	1	3	8	3	2
<b>Health and Social Care</b>	4	1	-	1	19	3	3	1
<b>Lifelong Learning</b>	4	1	3	2	10	1	3	3
<b>Strengthening Communities</b>	4	0	-	1	1	1	2	1

## **CONCLUDING THOUGHTS**

Scrutiny's role as a challenging and critical friend to the cabinet and the senior management of the council and as a champion of local people places it in a unique, yet complex position. Scrutiny needs to maintain its independence of the cabinet and senior management but must develop a co-operative and constructive relationship if it is to be able to demonstrate its effectiveness and deliver positive improvements. Changes to the Comprehensive Performance Assessment process and the Government's proposals for Vibrant Local Leadership have presented significant opportunities at the door of scrutiny. We will embrace these opportunities and remain committed to focussing the resources at our disposal to improving the quality of life for all our residents.

## **Members of the Overview and Scrutiny Committee**

**APPENDIX ONE: MEMBERSHIP OF THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SUB COMMITTEES IN 2004 – 05**

**OVERVIEW AND SCRUTINY COMMITTEE**

FROM MAY 2004 – NOVEMBER 2004

	<b>Labour</b>	<b>Conservative</b>	<b>Independent</b>	<b>Liberal Democrat</b>
<b><u>Members</u></b>	<b>(5)</b> <b>Blann</b> <b>Mitzi Green</b> <b>(VC)</b> <b>Ann Groves</b> <b>Marie-Louise</b> <b>Nolan</b> <b>Thammaiah</b>	<b>(5)</b> <b>Jean</b> <b>Lammiman</b> <b>(Chair)</b> <b>Osborn</b> <b>Pinkus</b> <b>Seymour</b> <b>Versallion</b>	<b>(1)</b> <b>Ingram</b>	<b>(0)</b>
Reserve Members	Gate Nana Asante Lent Lavingia Toms Omar	Myra Michael Mrs Champagnie Mary John John Nickolay Janet Mote		

FROM NOVEMBER 2004 – MAY 2005

	<b>Labour</b>	<b>Conservative</b>	<b>Independent</b>	<b>Liberal Democrats</b>
<b><u>Members</u></b>	<b>(5)</b> <b>Blann</b> <b>Bluston</b> <b>Gate (VC)</b> <b>Mitzi Green</b> <b>Thammaiah</b>	<b>(5)</b> <b>Jean</b> <b>Lammiman</b> <b>(Chair)</b> <b>Osborn</b> <b>Pinkus</b> <b>Seymour</b> <b>Versallion</b>	<b>(1)</b> <b>Ingram</b>	<b>(0)</b>
Reserve Members	Mrs R. Shah Nana Asante Ann Groves Lavingia Toms Omar	Myra Michael Mrs Champagnie Mary John John Nickolay Janet Mote		

## **SCRUTINY SUB COMMITTEES**

### **ENVIRONMENT AND THE ECONOMY SUB COMMITTEE**

FROM MAY 2004 – NOVEMBER 2004

	<b>Labour (4)</b>	<b>Conservative (3)</b>	<b>Liberal Democrat (0)</b>
<b><u>Members</u></b>	<b>Blann (Chair)</b> <b>Lavingia</b> <b>Lent</b> <b>Miles</b>	<b>Arnold (Vice Chair)</b> <b>Knowles</b> <b>Seymour</b>	
Reserve Members	Marie-Louise Nolan Dharmarajah Thammaiah Anne Whitehead	John Nickolay Janet Mote Vina Mithani	

FROM NOVEMBER 2004 – MAY 2005

	<b>Labour (4)</b>	<b>Conservative (3)</b>	<b>Liberal Democrat (0)</b>
<b><u>Members</u></b>	<b>Blann (Chair)</b> <b>Lavingia</b> <b>Miles</b> <b>Anne Whitehead</b>	<b>Arnold (Vice Chair)</b> <b>Knowles</b> <b>Seymour</b>	
Reserve Members	Dharmarajah Ann Groves Mrs R Shah Thammaiah	John Nickolay Janet Mote Vina Mithani	

## **HEALTH AND SOCIAL CARE SUB COMMITTEE**

FROM MAY 2004 – NOVEMBER 2004

	<b>Labour (4)</b>	<b>Conservative (3)</b>	<b>Liberal Democrat (0)</b>
<b><u>Members</u></b>	<b>Ann Groves Lavingia Marie-Louise Nolan (Chair) Thammaiah</b>	<b>Myra Michael (Vice Chair) Vina Mithani Versallion</b>	
Reserve Members	Blann Mitzi Green Toms Gate	Jean Lammiman Mrs Joyce Nickolay Pinkus	

Adviser to the sub committee (non-voting) Dr. Shahed Ahmad, Director Public Health, Harrow Primary Care Trust

FROM NOVEMBER 2004 – MAY 2005

	<b>Labour (4)</b>	<b>Conservative (3)</b>	<b>Liberal Democrat (0)</b>
<b><u>Members</u></b>	<b>Bluston (Chair) Ann Groves Lavingia Mrs R Shah</b>	<b>Myra Michael (Vice Chair) Vina Mithani Mrs Joyce Nickolay</b>	
Reserve Members	Blann Mitzi Green Toms Gate	Jean Lammiman Pinkus Mary John	

Adviser to the sub committee (non-voting) Jean Bradlow, Director Public Health, Harrow Primary Care Trust

## **LIFELONG LEARNING SUB COMMITTEE**

FROM MAY 2004 – NOVEMBER 2004

	<b>Labour (6)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (1)</b>
<b><u>Members</u></b>	<b>Mitzi Green (Chair) Nana Asante Gate Lent Marie-Louise Nolan</b>	<b>Mary John Jean Lammiman Janet Mote (Vice Chair) John Nickolay Osborn</b>	<b>Vacant</b>
Reserve Members	Blann Lavingia Anne Whitehead Dharmarajah Kinsey	Vina Mithani Anjana Patel Mrs Bath Kara	

Voting Co-opted members:

1. Two representative of Voluntary Aided Sector:  
Mrs J. Rammelt and Reverend P. Reece
2. Two representatives of Parent Governors:  
Mr Humphrey Epie and Mr Russell Suttcliffe

FROM NOVEMBER 2004 – MAY 2005

	<b>Labour (6)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (1)</b>
<b><u>Members</u></b>	<b>Mitzi Green (Chair) Nana Asante Gate Kinsey Omar</b>	<b>Mary John Jean Lammiman Janet Mote (Vice Chair) John Nickolay Osborn</b>	<b>Vacant</b>
Reserve Members	Blann Lavingia Anne Whitehead Dharmarajah Lent	Vina Mithani Anjana Patel Mrs Bath Kara	

Voting Co-opted members:

1. Two representative of Voluntary Aided Sector:  
Mrs J. Rammelt and Reverend P. Reece
2. Two representatives of Parent Governors:  
Mr Humphrey Epie and Mr Russell Suttcliffe

## **STRENGTHENING COMMUNITIES SUB COMMITTEE**

FROM MAY 2004 – MAY 2005

<b><u>Members</u></b>	<b>Labour (6) Thammaiah (Chair) Dharmarajah Gate Omar</b>	<b>Conservative (5) Janet Cowan Vina Mithani Seymour</b>	<b>Liberal Democrat (0)</b>
Reserve Members	Lavingia Toms Lent Ann Groves	Osborn Kara Anjana Patel	

## **CALL-IN SUB-COMMITTEE**

FROM MAY 2004 –NOVEMBER 2004

<b><u>Members</u></b>	<b>Labour (3) Mitzi Green (Chair) Marie-Louise Nolan Thammaiah</b>	<b>Conservative (2) Jean Lammiman Osborn</b>	<b>Liberal Democrat (0)</b>
Reserve Members	Blann Ann Groves Lent	Seymour Versallion Romain	

FROM NOVEMBER 2004 – MAY 2005

<b><u>Members</u></b>	<b>Labour (3) Mitzi Green (Chair) Gate Thammaiah</b>	<b>Conservative (2) Jean Lammiman Osborn</b>	<b>Liberal Democrat (0)</b>
Reserve Members	Blann Ann Groves Mrs R. Shah	Seymour Versallion Romain	

## **Have your say**

The Overview and Scrutiny Committee and its Sub Committees undertake to scrutinise decisions made by the council as well as making reports or recommendations on matters affecting the local area or the quality of life of our residents. We would like to invite you to highlight possible issues that you would like us to consider for inclusion in our annual programme of work.

You can send your suggestions to us at:

Scrutiny Team  
Harrow Council  
PO Box No. 57  
Civic Centre  
Harrow  
HA1 2XF

You can also email us at [scrutiny@harrow.gov.uk](mailto:scrutiny@harrow.gov.uk)

We look forward to hearing from you



**ITEM 9**

**COUNCIL  
20 OCTOBER 2005**

**OVERVIEW AND SCRUTINY COMMITTEE  
RECOMMENDATIONS**

**(1) 19 JULY 2005**

**REC. I:**

**CONSTITUTIONAL AMENDMENT  
Rights of Members of Overview  
and Scrutiny Committee to  
Information**

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**REPORT OF OVERVIEW AND SCRUTINY COMMITTEE**


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**MEETING HELD ON 19 JULY 2005**


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Chair: \* Councillor Jean Lammiman

Councillors: \* Nana Asante (2) \* Myra Michael (1)  
 \* Bluston \* Osborn  
 \* Gate \* Pinkus  
 \* Mitzi Green \* Thammaiah  
 \* Mark Ingram \* Versallion

\* Denotes Member present  
 (1), (2) Denote category of Reserve Members

[Note: Councillors N Shah and Dighé also attended this meeting to speak on the item indicated at Minute 304 below].

**PART I - RECOMMENDATIONS**
**RECOMMENDATION I - Rights of Members of Overview and Scrutiny Committee to Information**

The Director of Corporate Governance introduced the report which clarified Members' rights of access to confidential information.

In response to a question from a Member, the Director of Corporate Governance confirmed that the rights also applied to co-opted members of committees. In the event that an officer felt that access to information should not be given, the officer should seek the view of Cabinet.

The Committee noted that Councillor Paul Osborn was going to become a member of the Constitution Working Party.

Following a motion by a Member that an amendment be made to Rule 22 of the Access to Information Procedure Rules, the Committee

**Resolved to RECOMMEND:** (to Council)

That (1) Rule 22 of the Access to Information Procedure Rules be amended to read: "**Members of** Overview and Scrutiny Committee...";

(2) the proposed change be noted by the Constitution Working Party;

(3) the report be noted.

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**ITEM 10**

**COUNCIL  
20 OCTOBER 2005**

**REVISIONS TO THE CONSTITUTION**

**REPORT OF THE CONSTITUTIONAL REVIEW  
WORKING GROUP**

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## **HARROW COUNCIL**

### **COUNCIL MEETING – 20 OCTOBER 2005**

#### **REPORT OF THE CONSTITUTION REVIEW WORKING GROUP**

##### **RECOMMENDED CONSTITUTIONAL CHANGES**

The Constitution Review Working Group is an informal body established by agreement between the Group Leaders to receive proposals for alterations and updates to the text of the Authority's Constitution (in respect of discretionary elements) for formal submission to the Council.

The Working group membership comprises Councillors Currie, Ann Groves (Chair), Osborn, Seymour and Thornton.

Meetings have been held to date on 8 August and 27 September 2005. The decisions arising from those two meetings are aggregated as the proposals now attached as the Constitution Review Working Group's recommendations to Council.

Formally the **Working Group RECOMMENDS:**

“That the proposed changes to the Authority's Constitution as now endorsed by the Constitution Review Working Group, listed in the attached index and detailed in the subsequent pages of this document be approved by Council and the consequent textual and administrative amendments be delegated to the Chief Executive to implement.”

#### **FOR DECISION**

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## **CONSTITUTION REVIEW WORKING GROUP**

### **RECOMMENDED CONSTITUTIONAL CHANGES**

#### **INDEX**

<b>No.</b>	<b>Title of Constitutional Provision</b>	<b>Rule No. / Constitution Section</b>
1.	Terms of Reference - Licensing and General Purposes	Part 3A
2.	Terms of Reference - Chief Officer Appointments Panel	Part 3A
3.	Terms of Reference – The Executive / The Leader of the Council	Part 3A
4.	Individual Delegations – Statutory Officers Designations – Statutory Officers	Part 3B Article 12
5.	Generally – Public Questions	Part 4
6.	Generally – Cancellation of Meetings	Part 4
7.	Order of Business (Council)	[Rule 4.1] Part 4A
8.	Notice of Summons to Meetings (Council)	[Rule 7] Part 4A
9.	Reserving – (and Generally)	[Rule 3.4] Part 4B
10.	Deputations – (and Generally)	[Rule 16] Part 4B
11.	The Rights of Applicants and Objectors to speak at Development Control Committee	[Rule 17] Part 4B
12.	The Executive  Conflicts of Interest	[Rules 3.1, 3.2, 3.3, 7.2 and 7.3] Part 4D [Rule 6.2] Part 4D
13.	Consideration of Overview and Scrutiny Reports by the Executive and/or the Council The Process for Call-In	[Rules 16.1 and 16.2] Part 4F [Rule 22] Part 4F
14.	Late Reports	[Rule 6] Part 4G
15.	Appointments of Chief Officers Disciplinary Action - Statutory Officers	[Rules 3 and 4] Part 4H [Rule 7] Part 4H
16.	Assistants to Political Groups	[Rule 5(b)] Part 4H

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1. **LOCATION: Part 3A**      **PAGE NO: 3.11 – 3.12**      **SECTION: Terms of Reference**

To amend the terms of reference of the Committee and its Panel to reflect legislative changes.

I. **LICENSING AND GENERAL PURPOSES COMMITTEE**

(a) to determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:

- All activities under the Licensing Act 2003
- Food safety and control.
- Animal health, welfare, safety and control.
- Gaming, betting, lotteries and related amusements
- Crime and disorder issues related to the above duties.

**LICENSING PANEL**

(iv) Without prejudice to the generality of the above sections, in the case of alcohol control provisions in the Licensing Act 2003 as might be amended, and related legislation, regulations, orders, guidance, etc, to determine the following matters:

- Applications for personal licences where:
- Representations have been made, but remain unresolved.
- Applicants have relevant unspent convictions.
- Matters relating to the licensing, certification and authorisation at premises where:
- Representations have been made to an application, but remain unresolved.
- There is an unresolved police representation to an application to vary a designated personal licence holder, or to the transfer of a premises licence.
- There is an unresolved police representation to the application for an interim authority, or to a Temporary Event Notice.
- An application is made for the review of a premises licence or club premises certificate.
- Matters of an exceptional nature that in the officer's opinion justify consideration by the Licensing Panel.

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

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2. LOCATION: Part 3A

PAGE NO: 3.12

SECTION: Terms of  
Reference

J. **CHIEF OFFICERS APPOINTMENTS PANEL**

To change the name to the **Chief Officers Employment Panel** and to amend the terms of reference to the following:

**(1) Chief Officers Employment Panel**

***The Chief Officers Panel has the following powers and duties:***

**(a) *To make recommendations to Council on the appointment or dismissal of the Head of Paid Service***

**(b) *To make appointments or dismissals of Chief Officers***

(This brings the power to dismiss Chief Officers within the terms of reference).

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3.      **LOCATION: Part 3A**      **PAGE NO: 3.16 – 3.19**      **SECTION: Terms of Reference**

**Terms of Reference - The Executive (Cabinet)/The Leader of the Council**

- Amend Cabinet and Leader terms of reference to enable the Leader to respond to consultation papers.
- Amend the Executive terms of reference to include fixing the Council Tax base. This will then enable cancellation of the January Council Meeting.
- Clarify that the capital programme/capital strategy is approved and managed by the Executive
- Clarify the terms of reference for Cabinet to show approval of the HRA rents as an Executive Function.

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To insert the following updated information. (These tables should have been included originally. This involves no change).

### **Statutory Officer Roles**

#### **Head of Paid Service – Chief Executive**

<b><u>Function</u></b>	<b><u>Source of function</u></b>
Responsibility for the manner in which the discharge of the Council's functions is co-ordinated	Section 4 Local Government and Housing Act 1989
Responsibility for the number and grades of staff, their organisation and appointment and management of the authority's staff	Section 4 Local Government and Housing Act 1989

#### **Section 151 Officer – Director of Financial and Business Strategy**

<b><u>Function</u></b>	<b><u>Source of function</u></b>
Responsibility for the proper administration of the financial affairs of the authority	S151 Local Government Act 1972, Section 112 Local Government Finance Act 1988 (as amended) and Section 6 of the Local Government and Housing Act 1989
Report on a decision, course of action or item of account which results or could result in unlawful expenditure	Section 114 & 114A Local Government Finance Act 1988 (as amended)
Report on the robustness of the authority's budget estimates and adequacy of proposed financial reserves	Section 25 Local Government Act 2003
If the controlled reserve appears inadequate, to report to the authority on the reasons for the situation and the action she considers appropriate	Section 27 Local Government Act 2003

## Monitoring Officer – Director of Corporate Governance

<b><u>Function</u></b>	<b><u>Source of function</u></b>
Report on contravention or likely contravention of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
Investigate misconduct in compliance with Regulations and directions of Ethical Standards Officers (ESO).	Regulations under Section 66(1) and 66(6) Local Government Act 2000. Direction from ESO in individual cases.
Establish and maintain registers of member's interests and gifts and hospitality.	Section 81 Local Government Act 2000 and Members' Code of Conduct.
Advice to Members on interpretation of the Code.	Members' Code of Conduct
Key role in framework for local determination of complaints. Advice to Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.	Statutory guidance para. 8.20 Regulations under section 66 of the LGA 2000
Liaison with Standards Board for England and Ethical Standards Officers.	Regulations under sections 54(4), 57(3) and 66 of the LGA 2000.
Compensation or remedy for maladministration.	S.92 Local Government Act 2000.
Advice on vices issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members.	ODPM guidance.

There are two other statutory officers posts, that of Chief Education Officer and Social Services Officer.

However, The Children Act 2004 will require authorities to have statutory posts of Director of Children's Services and Director of Adult Services. There is a separate report on these posts.

**LOCATION: Article 12**

**PAGE NO: 2.46**

**SECTION: Officers**

To insert the following information into Article 12 as new paragraph (c):

**(c) Statutory Officers**

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Financial & Business Strategy	Section 151 Officer
Director of Corporate Governance	Monitoring Officer

(This does not represent any change to the previous decisions appointing the Statutory Officers).

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**5. PART 4: Procedure Rules Generally – Public Questions**

It is proposed that all procedure rules should be amended to include changes to the rules on questions submitted to meetings by e-mail.

The proposal is that there should be a single reception address for e-mailed questions; that the question should be e-mailed from the questioner's address and further that the Council would take no responsibility for questions, which fail to reach the required address in time or at all. In addition, and in order to ensure that one person on behalf of another does not submit the questions, the question should include the questioner's name and address.

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**6. PART 4: Procedure Rules Generally - Cancellation of Meetings**

A Rule be incorporated within the Constitution to enable the Chief Executive and/or the Monitoring Officer to cancel meetings both before and after the agenda has been issued.

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7. LOCATION: Part 4A

PAGE NO: 4A-3

SECTION: Council  
Procedure  
Rules

**Order of Business (Rule 4.1)**

Add a provision, which allows the Chief Executive the discretion to include the items specified within the Summons in any order considered appropriate to that meeting for the efficient dispatch of the business.

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8. LOCATION: Part 4A

PAGE NO: 4A-5

SECTION: Council  
Procedure  
Rules

**NOTICE OF AND SUMMONS TO MEETINGS – (RULE 7)**

This amendment is proposed to ensure compliance with statutory requirements.

Add to Rule 7 the following:-

“If there is a requirement to add an item to the Summons after the statutory deadline for publication, that item may only be considered if the Mayor (as Chair of the Council) agrees, by virtue of the special circumstances set out either in the report or on the supplemental Summons, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

N.B. This provision does not apply to items raised under Rule 15.2 (Urgent Motions).”

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**PROCEDURE RULES GENERALLY - RESERVING – (RULE 3.4)**

This Rule change will require notice to be given at the start of a meeting but will entitle the Reserve to attend later in the meeting.

Delete existing (iii) and replace with

- “(iii) the meeting notes at the start of the meeting at the item ‘Reserves’ that the Reserve Member is or will be attending as a reserve.
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.”

**PROCEDURE RULES GENERALLY – SUSPENSION OF RULES – (Rule 26.1)**

To add Rule 3.4 to those cited in Rule 26.1 as being exempted Rules which may not be suspended.

[All relevant Reserving Rules and Suspension Rules within Part 4 would be similarly amended].

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To add the words in bold to the existing Rule 16.

**Committee Procedure Rules – Rule 16 - Deputations**

- “16.1 Subject to Rule 17 any Committee or sub-committee of the Council may receive a deputation on any matter appearing on the relevant agenda.
- 16.2 Requests for deputations must be in writing and supported by the signatures of at least 10 residents or representatives of local organisations or businesses **in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.**
- 16.3 The request must be given to the Chief Executive at least two clear working days before the day of the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.
- 16.4 The deputation to the meeting must consist of not more than four people. **Those nominated to speak should also be signatories to the original written request to make a deputation.** All four people may speak but the total length of the speeches from the deputation must not exceed 10 minutes.
- 16.5 The time allowed for questioning of the deputation by Members will be 10 minutes.
- 16.6 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation forward on the agenda.
- 16.7 Committees shall receive no more than two deputations per meeting.
- 16.8 No deputation shall appear before a Committee or sub-committee within 6 months after a deputation has appeared before it on the same or a similar subject.
- 16.9 Members of the Council, co-optees and advisors **(in that capacity)** shall not **be signatories to**, lead or form part of any deputation.
- 16.10 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.”

(and to apply these changes also to the Procedure Rules affecting all other bodies which allow Deputations).

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To add the following paragraph to Rule 17 (and renumber the remainder accordingly).

**Committee Procedure Rules – Rule 17 Right to speak at Development Control meetings**

**Information on the rights of Applicants and Objectors to speak in relation to Applications at the Development Control Committee**

“17.1 This procedure applies only to the following applications, which are to be determined by the Committee:

- applications for planning permission which are being recommended for grant or approval by the Chief Planning Officer.
- Applications for prior approval of the siting and appearance of telecommunications development where the Chief Planning Officer is recommending that prior approval be not required OR that prior approval be required and granted.

The Rule does not apply to applications where the recommendation of the Chief Planning Officer is to refuse planning permission or to refuse prior approval of details of siting and appearance.”

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12. LOCATION: Part 4D PAGE NO: 4D-2 – 4D-4 SECTION: Executive Procedure Rules

**EXECUTIVE (CABINET) PROCEDURE RULES – GENERALLY**

To amend each of the Rules 3.1, 3.2, 3.3, 7.2 and 7.3 to insert after the words “the Leader” in every case the following:

**“or in the absence of the Leader the Deputy Leader”.**

PAGE NO: 4D-4 SECTION: Executive Procedure Rules

**Executive Procedure Rules - Decision making by individual portfolio holders in circumstances where there is a conflict of interest**

A new paragraph 6.2 inserted to read:

**6.2 ‘If the exercise of an Executive function has been delegated to an individual Portfolio Holder and a conflict of interest arises, then the function may be exercised, by the Leader or Deputy Leader. In the case where an officer is unable to take a delegated decision due to a conflict of interest, and no scheme exists within the department which allows referral of that decision to another appropriate officer, that decision will be referred to the relevant portfolio holder, or the Leader or Deputy Leader.**

**If a conflict of interest arises for the Leader or Deputy Leader where the decision would have been referred to them, then that decision may be referred to an individual Portfolio Holder nominated by the Chief Executive.”**

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13. LOCATION: Part 4F

PAGE NO: 4F-13

SECTION: Overview and  
Scrutiny  
Procedure  
Rules

**Overview and Scrutiny – Rule 16.1 and 16.2**

Rules 16.1 and 16.2 will be amended to indicate that the Executive will consider reports from Overview and Scrutiny Committee or Scrutiny sub-committee at **‘the next appropriate meeting’** rather than at its ‘next meeting’, and the time frames in the rules to be changed accordingly.

PAGE NO: 4F-17

SECTION: Overview and  
Scrutiny  
Procedure  
Rules

**Overview and Scrutiny Rules – Rule 22 - Call-in procedure**

To add the following emboldened words into Rule 22.2 to comply with statutory requirements.

**22. Call-in**

**The process for call-in**

22.2 Any six of the Members of the Council can call in a decision of the Executive, which has been taken but not implemented. ***Additionally, in relation to Executive decisions on education matters only, any six Members of the Council and the voting co-opted members on the Lifelong Learning Scrutiny sub-committee can call-in a decision which has been taken but not implemented.*** Only decisions relating to Executive functions, whether delegated or not, may be called in.

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**Access to Information Procedure Rules – Rule 6 Late Reports**

To add the following text at the beginning of the paragraph 6 in order to bring it into line with statutory requirements.

**“If there is a requirement to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees subject to consultation with nominated members (if reasonably practicable), by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.**

***For meetings of Advisory Panels/Consultative Forums, the Panel/Forum rather than the Chair shall decide at the start of the meeting whether an item should be considered as a matter of urgency.***

**This Rule does not apply to the Meetings of the full Council where Council Procedure Rule 7 applies.”**

[This amendment would also be incorporated into all other relevant procedure rules.]

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15. LOCATION: Part 4H

PAGE NO: 4H-2

SECTION: Officer  
Employment  
Procedure  
Rules

To effect a change in the title of the Chief Officers Appointment Panel.

#### **Officer Employment Procedure Rules – Rules 3 and 4**

As a consequence of the above amendment (see 2) it will be necessary to amend the reference to Chief Officers Appointments Panel in these rules to read **Chief Officers Employment Panel**.

PAGE NO: 4H-2 – 4H-3

SECTION: Officer  
Employment  
Procedure  
Rules

The following emboldened changes are designed to address matters omitted from the original Rules. The proposals conform with existing Conditions of Service.

#### **OFFICER EMPLOYMENT PROCEDURE RULES – Rule 7**

Procedure Rule 4H 7 be amended to read as follows:

“7.1 Disciplinary action – **Head of Paid Service and** Statutory **Chief** Officers (i.e. the Monitoring Officer and the Chief Finance Officer)

(A) Disciplinary action against the **Head of Paid Service and** the Statutory Chief Officers (**as defined in the following regulations**) will follow the Local Authorities (Standing Orders) (England) Regulations 2001.

(B) **Suspension – Head of Paid Service**

(i) **The Chief Officers’ Employment Panel may suspend the Head of Paid Service on (a) receipt of a referral from the Leader of any of the Political Groups OR (b) a report from either the Monitoring Officer, the Chief Finance Officer or both, whilst an independent investigation takes place into alleged misconduct.**

**That suspension will be on full pay and the investigation should last no longer than two months. The investigation will follow the Local Authorities (Standing Orders) (England) Regulations 2001 and the Model Procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities Conditions of Service.**

**(C) Grievance – Head of Paid Service**

**Any grievance relating to the Head of Paid Service will be considered and determined by the Chief Officers' Employment Panel. The decision of the Panel shall be final.**

**In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities Conditions of Service any grievance relating to the Head of Paid Service will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.**

**(D) Suspension – Statutory Chief Officers**

**The Head of Paid Service may suspend the Monitoring Officer or Chief Finance Officer whilst an independent investigation takes place into alleged misconduct. That suspension will be on full pay and the investigation should last no longer than two months. The investigation will follow the Local Authorities (Standing Orders) (England) Regulations 2001 and the Model Procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.**

**(E) Grievance – Statutory Chief Officers**

**Any grievance relating to the Statutory Chief Officers will be considered by the Head of Paid Service. If the Statutory Chief Officer remains dissatisfied the matter shall be referred to the Chief Officers' Employment Panel. The decision of the Panel shall be final.**

**In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service any grievance relating to the Statutory Chief Officers will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.**

**(F) Independent Person. No other disciplinary action may be taken in respect of the Head of Paid Service, the Monitoring Officer or Chief Finance Officer except in accordance with a recommendation in a report made by a designated independent person appointed in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001**

**7.2 Disciplinary action – Chief Officers**

**(A) Disciplinary action against any other Chief Officer will follow the Model Disciplinary Procedure (as modified locally) set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.**

**(B) Suspension. The Head of Paid Service may suspend a Chief Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and for no longer than two months, and will follow the Model Procedure (as modified locally) set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.**

**(C) Grievance – Chief Officers**

**Any grievance relating to Chief Officers will be considered by the Head of Paid Service. If the Chief Officer is dissatisfied with the response the matter will be referred to the Chief Officers' Employment Panel. The decision of the Panel shall be final.**

**In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service any grievance relating to the Chief Officers will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.”**

*[Note: The delegated power will be added to the delegations to the Chief Executive, the designated Head of Paid Service.]*

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This addresses an omission from the original Rules. It conforms with the legislation and does not represent any change in existing practice.

**Officer Employment Rules – Rule 5 Other Appointments**

**“5. (b) Assistants to political groups.**

**A political assistant may be appointed to a post which:**

- **Is made for the purpose of providing assistance to Council Members of a political group in their role as members of the authority;**
- **Is made at or below the maximum salary prescribed in the relevant Regulations in force at the time;**
- **Is for a term fixed by reference to the relevant regulations in force at the time;**
- **Is one of no more than three posts the Council have decided to create for the purposes of section 9 of the Act;**
- **Is at the selection of the political group to whom the post has been appointed.”**

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**ITEM 12**

**COUNCIL  
20 OCTOBER 2005**

**STANDARDS COMMITTEE  
RECOMMENDATIONS**

- (1) 21 SEPTEMBER 2005 REC. I: COMPLAINTS AGAINST  
COUNCILLORS – PROCEDURE FOR  
LOCAL INVESTIGATIONS OF  
COMPLAINTS REFERRED FROM THE  
STANDARDS BOARD FOR ENGLAND**

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## REPORT OF STANDARDS COMMITTEE

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### MEETING HELD ON 21 SEPTEMBER 2005

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Chair: \* Councillor Janet Cowan

Councillors: Ann Groves \* Mrs Joyce Nickolay  
\* Harrison \* Thammaiah  
\* Paddy Lyne (2)

Independent Persons: \* The Rt Revd Peter Broadbent † Mrs Bijal Shah

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

[Note: Councillor Eileen Kinnear also attended this meeting in a participatory role].

#### **PART I - RECOMMENDATIONS**

##### **RECOMMENDATION I - Complaints against Councillors - Procedure for Local Investigations of Complaints referred from the Standards Board for England**

The Standards Committee considered a report of the Director of Corporate Governance explaining the requirement to establish a procedure for conducting local investigations of complaints against Councillors alleged to have breached the Code of Conduct following the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004. To assist with this process, the Standards Board for England (SBE) had issued guidance, which had been taken into account when drafting Harrow's procedures.

An officer explained that the procedure only applied to investigations conducted by the Monitoring Officer who then referred the matter to the Standards Committee. The Hearing Panel was then required to hear the case. Although not included in the SBE's guidance, Harrow's draft protocol had incorporated timescales, which could be extended if necessary by the Monitoring Officer.

##### **Resolved to RECOMMEND: (For decision by Council)**

That the Local Investigations Procedure, as set out at Appendix 1 be adopted.

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## **LONDON BOROUGH OF HARROW**

### **Dealing with the Local Investigations of allegations made about Council members and co-optees under the Code of Conduct.**

#### **PROCEDURE FOR LOCAL INVESTIGATIONS BY THE MONITORING OFFICER**

##### **1. Introduction**

This procedure will only apply to referrals by an Ethical Standards Officer (ESO) of the Standards Board for England for local investigation by the Monitoring Officer.

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

Where an investigation is referred to the Monitoring Officer by an ESO the Monitoring Officer must ensure that the Member who is the subject of the allegation, and the person who made the allegation are informed. Brief details of the referral for investigation should be given to the members of the Standards Committee.

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

There are a number of officer roles as follows:

##### **1.2 The Monitoring Officer**

The Monitoring Officer should ensure that the overall conduct of the matter is dealt with effectively in the interests of all parties concerned. The Monitoring Officer may adopt the role of Investigating Officer or a legal adviser to the Standards Committee. If the Monitoring Officer assigns himself or herself as Investigating Officer, he or she will ensure that his or her deputy or another officer is appointed to advise the Standards Committee. The Monitoring Officer should therefore consider whether he or she should investigate the matter or whether to delegate the investigative role.

##### **1.3 The Investigating Officer**

The Investigating Officer may be a Harrow Council officer but in appropriate circumstances the Monitoring Officer may appoint an officer of another authority or an independent consultant to undertake the investigation. The Investigating Officer shall conduct an investigation into the matter and is to have regard during the conduct of the investigation to any guidance "How to conduct an Investigation" issued by the Standards Board for England.

## 2. **Appointment and Notification on receipt of Referral from the ESO**

- 2.1 Upon receipt of the ESO's referral the Monitoring Officer will appoint an Investigating Officer. The Monitoring Officer will:
- 2.2 Notify the member the subject of the allegation, and the Complainant that:
- the allegation has been referred for local investigation and determination;
  - provide details of the allegation
  - provide a copy of any report received from the ESO;
  - provide a copy of the procedure to be followed;
  - identify the Investigating Officer
- 2.3 The Member shall send his or her response to the allegation to the Investigating Officer in writing within 14 days of the notification advising:
- whether he or she admits or denies the allegation;
  - list and provide any documents to be taken into account in the investigation;
  - provide the name address and contact details of any person who should be interviewed by the Investigation Officer;
  - provide any other information.
- 2.4 The Complainant shall send any comment to the Investigating Officer in writing within 14 days of the notification:
- listing and providing any documents to be taken into account in the investigation;
  - providing the name address and contact details of any person who should be interviewed by the Investigation officer;
  - provide any other information.
- 2.5 Notify all members the Standards Committee that an investigation is being carried out by a brief confidential memorandum. (NB: the memo must not name the member or the complainant nor must it include details of the allegation or be discussed at committee).

## 3. **Conduct of the Investigation**

3.1 The Investigating Officer must conduct the investigation in accordance with the terms of his or her appointment. The Investigating Officer should aim to complete and present the final report within 8 weeks of appointment or such other time as agreed with the Monitoring Officer.

### 3.2 Further Breaches

If during the course of the investigation further breaches are discovered the Investigating Officer must not investigate these. The Investigating Officer shall report the matter to the Monitoring Officer.

### 3.3 Referring the case back to the ESO

The Monitoring Officer may (a) if evidence of further breaches is uncovered or (b) if the Member refuses to co-operate with the investigation refer a matter under investigation back to the ESO. In such circumstances the Monitoring Officer should:

- (a) write to the ESO requesting that the allegation be referred back for investigation
- (b) state the reasons for the referral

Within 21 days of the referral the ESO will respond directing either

- (a) that the Investigating Officer continue the investigation or
- (b) accept the referral

A referral to the ESO **must take place before completion** of the investigation.

### 3.4 Confidentiality

Information provided to the Investigating Officer during the course of the investigation should be treated as confidential.

Members must not disclose any information they receive in confidence and are reminded of their obligation under paragraph 3 of the Code of Conduct.

Information must not be disclosed UNLESS:

- the disclosure will assist ethical standards officer to perform their statutory functions under the law
- the disclosure will assist the monitoring officer to perform his or her statutory functions under the law
- permission has been given by the person to whom the information relates to disclose it;
- the information has already lawfully been made public;
- the disclosure is made for the purposes of criminal proceedings in the UK

## 4. **Investigating Officer's Reports**

### 4.1 Draft Report

As soon as practicable after the conclusion of the investigation the Investigating Officer should prepare a draft report. The draft report should be sent for comments to the Member who is the subject of the allegation and the Complainant. Statements should also be sent to any witnesses or other parties interviewed for comments. The draft report should clearly state that (a) it does not necessarily represent the final findings, (b) comments on the draft will be considered and (c) the final report will be presented to the Standards Committee. The draft report should include:

- a "confidential" marking\*
- the date
- the legislation under which the investigation is carried out
- a summary of the allegations

- the relevant sections of the Code of Conduct
- evidence
- the draft findings of fact
- the findings as to whether there has been a failure to comply with the Code of Conduct or a local protocol
- the reasoning for the findings
- clearly state that it is a draft report

The Investigating Officer should request that comments should be sent to him or her within 10 working days.

**\*NB:** The Investigating Officer must consider whether the information collected as part of the investigation contains confidential or exempt information under section 12A of the Local Government Act 1972.

## 4.2 Final Report

Within 10 working days of receipt of comments the Investigating Officer should prepare and send to the Monitoring Officer his or her Final Report. The Monitoring Officer shall send copies of the Final Report to (a) the Member who is the subject of the allegation (b) the Complainant (c) the Standards Committee (d) the Ethical Standards Officer who referred the matter for investigation. The final report should include background documents, notes of interviews, letters and telephone conversations, a chronology of events.

The Final Report should state that the Report represents the final findings of the Investigating Officer and will be presented to the Standards Committee.

## 5. **Findings of the Investigation Officer**

Where the Investigating Officer finds:

- that there has been no failure to comply with the Code of Conduct for Members the Monitoring Officer shall refer the report to the Standards Committee for consideration;
- that there has been a failure to comply with the Code of Conduct the Monitoring Officer shall refer the report to the Standards Committee for a formal hearing.

## 6. **Standards Committee Findings:**

6.1 The Standards Committee shall make one of the following findings:

- that there has been no failure to comply with the Code of Conduct.
- that the matter should be considered at a hearing of the Standards Committee Hearing Panel.

- 6.2 Where the Standards Committee finds no failure to comply with the Code the Monitoring Officer shall notify the Member, the Complainant and the Ethical Standards Officer of the Standards Committee's findings.
- 6.3 The Monitoring Officer shall arrange for a notice to be published in at least one newspaper circulating in the Council's area and on the Council's web site. The Notice shall not be published in the local newspaper if the Member requests it.
- 6.4 Where the Standards Committee finds that the matter should be considered at a hearing of the Standards Committee Hearing Panel the Monitoring Officer shall arrange for the matter to be considered in accordance with the Authority's Procedure for Local Determinations.

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**ITEM 13**

**COUNCIL  
20 OCTOBER 2005**

**STANDARDS COMMITTEE  
RECOMMENDATIONS**

- |            |                          |                |   |
|------------|--------------------------|----------------|---|
| <b>(1)</b> | <b>21 SEPTEMBER 2005</b> | <b>REC.II:</b> | <b>COMPLAINTS AGAINST<br/>COUNCILLORS – PROCEDURE FOR<br/>LOCAL DETERMINATION OF<br/>COMPLAINTS REFERRED FROM THE<br/>STANDARDS BOARD FOR ENGLAND</b> |
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## REPORT OF STANDARDS COMMITTEE

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### MEETING HELD ON 21 SEPTEMBER 2005

---

Chair: \* Councillor Janet Cowan

Councillors: Ann Groves \* Mrs Joyce Nickolay  
\* Harrison \* Thammaiah  
\* Paddy Lyne (2)

Independent Persons: \* The Rt Revd Peter Broadbent † Mrs Bijal Shah

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

[Note: Councillor Eileen Kinnear also attended this meeting in a participatory role].

#### **PART I - RECOMMENDATIONS**

##### **RECOMMENDATION II - Complaints against Councillors - Procedure for Local Determination of Complaints Referred from the Standards Board for England**

The Standards Committee received a report of the Director of Corporate Governance which explained the need to introduce an amended procedure to determine referrals of alleged breach of the Code of Conduct from an Ethical Standards Officer of the Standards Board for England or from the Monitoring Officer, in accordance with section 66 of the Local Government Act 2000.

##### **Resolved to RECOMMEND: (For decision by Council)**

That the Local Determinations Procedure, as set out at Appendix 2 be adopted.

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## **LONDON BOROUGH OF HARROW**

### **Dealing with the Local Determination of allegations made about Council members and co-optees under the Code of Conduct.**

#### **Procedure for the Standards Committee Hearing Panel**

##### **1. Introduction**

This procedure will apply to complaints:

- (a) investigated by an Ethical Standards Officer (ESO) of the Standards Board for England (SBE) which are referred for determination by the Standards Committee Hearing Panel; and
- (b) referred by an ESO for investigation to be carried out locally by the Monitoring Officer and then determined by the Standards Committee Hearing Panel.

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

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

Where a complaint is referred to the Monitoring Officer for Local Investigation, he or she will inform the Member of the complaint in accordance with the procedure or Local Investigations by the Monitoring Officer.

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

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

##### **1.2 The Monitoring Officer**

The Monitoring Officer will ensure that the overall conduct of the matter is dealt with effectively in the interests of all parties concerned. The Monitoring Officer may also adopt either the role of Investigating Officer or Legal Adviser to the Hearing Panel (for a local investigation) or Reporting Officer or Legal Adviser to the Hearing Panel (for local determinations). If the Monitoring Officer assigns himself or herself as Investigating Officer or

Reporting Officer, he or she will ensure that the deputy Monitoring Officer takes responsibility for ensuring the effective overall conduct of the matter and that an appropriate officer is appointed as Legal Adviser to the Hearing Panel.

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

### 1.3 The Reporting Officer

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

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

### 1.4 The Local Investigating Officer

If the Monitoring Officer decides not to take on this role he or she will appoint an appropriate person to carry out the investigation. The investigation will be conducted by the Local Investigating Officer (LIO) in accordance with the Procedure for Local Investigations by the Monitoring Officer.

### 1.5 The legal adviser to the Hearing Panel

The role of this person is to:

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

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

## **2. Appointment of a Reporting Officer on receipt of the ESO's report**

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

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

### **3. Notifying the Member and the Complainant.**

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

### **4. Situations where a LIO reports a finding of no failure to comply with the Code of Conduct**

Where a LIO conducts an investigation and reports that he or she considers that there has been no failure to comply with the Code of Conduct, the report will be referred to the Standards Committee for the Committee to consider the facts within the report and decide either:

- a) that it accepts the LIO's finding; or
- b) that, on the balance of probabilities, there is a case to answer and the matter should be considered at a Hearing Panel convened for that purpose.

The Hearing Panel must convene for this purpose within three months of the completion of the LIO's report.

### **5. Preparing for the hearing**

#### 5.1 Obtaining a response from the Member

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

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

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

## 5.2 Upon receipt of a response from the Member

The response of the Member shall be sent to the Reporting Officer or Local Investigating Officer (as appropriate) as soon as the legal adviser to the Hearing Panel receives it. The Reporting Officer will forward the response of the Member to the relevant ESO, who will be invited to comment upon it within 15 working days. The Local Investigating Officer (in the case of a local investigation) will be asked to comment. In either case the ESO/LIO will be asked to specifically say whether or not he or she:

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

## 6. Calling a meeting of the Standards Committee Hearing Panel

Upon receipt of the ESO's or LIO's response, the Legal Adviser to the Hearing Panel will forward the responses of the Member and the ESO or LIO to the Chair of the Hearing Panel.

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

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

- confirm the main facts of the case that are agreed between the ESO/LIO and the Member;
- confirm the main facts of the case that are not agreed between the ESO/LIO and the Member;
- confirm which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying which parts of the hearing, if any, will take place in private with reasons; and
- request the Committee Administrator to provide this information and, subject to paragraph 6.2 below, the Agenda to everyone involved in the hearing at least 8 clear working days before the date of the hearing. (Confidentiality undertakings for receipt of the papers will be obtained from any recipients for whom the Chair considers this appropriate.)



The Agenda papers will include the following information:

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

## 6.2 Excluding the press and public from the Hearing Panel

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

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

## 7. Convening the Hearing Panel

When the initial report is received from the ESO/LIO, or where the Standards Committee decides to refer a no failure to comply finding to the Hearing Panel under paragraph 4 the legal adviser to the Hearing Panel will request that the Committee Administrator for the Standards Committee arrange for a meeting of the Panel, and, following consultation with the Chair of the Panel, indicate the preferred time, place and date of the meeting. The meeting must take place within three months from the date that the authority receives the ESO's/LIO report. Where possible, the Hearing Panel will meet during the day and will aim to complete the hearing in one sitting (i.e. avoiding the need to reconvene on another date part way through hearing the evidence). The hearing will not be held within 14 days of the Report being sent to the Member unless the Member agrees.

## 8. The composition and method of the Hearing Panel

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

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

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

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

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

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

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

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

## **9. Agenda for and procedure at the Hearing Panel**

The Agenda for the Meeting shall be as follows:

- Quorum
- Introductions
- Declarations of interest
- Consideration of whether to adjourn or proceed in the absence of the Member if they are not present
- Representations with reasons from the Reporting Officer/LIO and/or the Member if either consider that the hearing or any part of it should exclude the press and public under Part VA of the Local Government Act 1972, and determination of this by the Panel.
- Explanation of how the hearing will be run.

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

In the case of an LIO's Report, the Chair will explain that the Panel may, at any time prior to the conclusion of the hearing:

- (a) agree to adjourn and require the Monitoring Officer to seek further information or undertake further investigation on any point (such adjournment may only take place once;

- (b) agree to adjourn the hearing and make a written request to the ESO concerned that the matter be referred back to him or her for further investigation (stating reasons for the request).

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

- Examination of the reports and written representations

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

If there is no disagreement about the facts, the Committee can move on to consider its findings (paragraph 10 refers).

- Examination of oral evidence

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

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

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

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

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

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

- Representations on sanctions

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

## 10. The decision of the Hearing Panel

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

- That there is no evidence of any failure by the Member to comply with the Code of Conduct;
- That the Member has failed to comply with the Code of Conduct but that no action needs to be taken;
- That the Member has failed to comply with the Code of Conduct and should be:
  - censured<sup>1</sup>; or
  - have his or her access to council premises and resources restricted for a period up to a maximum of three months<sup>2</sup>;
  - required to submit a written apology in a form specified by the Panel;
  - required to undertake training as specified by the Panel;
  - required to participate in conciliation as specified by the Panel;
  - suspended or partially suspended for a maximum of three months;
  - suspended or partially suspended for a maximum period of three months or until such time as the Member submits a written apology
  - suspended or partially suspended for a maximum period of three months or until such time as the member undertakes training or conciliation specified by the Panel.

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

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

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

The Hearing Panel will then consider in open session whether any action needs to be taken by the authority as a result of the finding, for example reviewing any decision, policy or practice of the authority which was the subject of the breach of the Code of Conduct; any

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<sup>1</sup> If the member is no longer a member of the Authority the only penalty available is censure

<sup>2</sup> When setting this penalty the Panel must ensure that such restrictions are reasonable and proportionate to the nature of the breach and will not unnecessarily restrict the Member's ability to carry out his or her responsibilities as an elected or co-opted member.

action needed to prevent or deter further breaches of the Code of Conduct or providing recompense to any person who has suffered detriment as a result of the breach.

#### 10.1 Costs

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

#### 11. **Confidentiality and the disclosure of information**

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

- the disclosure is made to enable to Reporting Officer/LIO to carry out his or her functions, or to enable the Standards Committee to carry out its functions in relation to the matter;
- the disclosure is made to enable the appeal tribunal of the Adjudication Panel to discharge its functions;
- the person to whom the information relates has consented to the disclosure;
- the disclosure is made following receipt of a statutory requirement for disclosure;
- the information has previously and lawfully been disclosed to the public;
- the disclosure is made to the district auditor or the Audit Commission in relation to any function specified in the Audit Commission Act 1998; or
- the disclosure is made in consequence of criminal proceedings

#### 12. **Appealing the decision of the Hearing Panel**

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

#### 13. **Notice of findings**

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

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

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

- 13.1 Where the Hearing Panel decide that there has been no breach of the Code of Conduct, the notice specified above shall:
- state that the Hearing Panel found the Member had not failed to comply with the Code of Conduct and shall give reasons for that finding; and
  - not be published in local newspapers if the Member requests it.
- 13.2 Where the Hearing Panel decide that the Member has not complied with the Code of Conduct, but also decides that no action should be taken, the notice shall:
- state that the Hearing Panel found that the Member had failed to comply with the Code of Conduct, but that no action need be taken in respect of that failure;
  - specify the details of the failure;
  - give reasons for the decision reached; and
  - state that the Member concerned may apply for permission to appeal against the determination to the President of the Adjudication Panel.
- 13.3 Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice specified above shall:
- state that the Hearing Panel found that the Member had failed to comply with the Code of Conduct;
  - specify the details of the failure;
  - give reasons for the decision reached;
  - specify the sanction imposed; and
  - state that the Member concerned may apply for permission to appeal against the determination to the President of the Adjudication Panel.

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

**STANDARDS COMMITTEE DETERMINATIONS**

**FORM A**

Please enter the number of any paragraph where you disagree with the findings of fact in the ESO's/LIO's report, and acve your reasons and your suggested alternative.

**Member's response to the evidence set out in the ESO's/LIO's report**

Paragraph number from the ESO's/LIO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

Please attach separate sheets if necessary

**STANDARDS COMMITTEE DETERMINATIONS**

**FORM B**

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you.

**Other evidence relevant to the allegation**

Paragraph number	Details of evidence
1	
2	
3	
4	
5	

Please attach separate sheets if necessary



STANDARDS COMMITTEE DETERMINATIONS

**FORM C**

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a member has failed to follow the Conduct.

**Representations to be taken into account if a member is found to have failed to follow the Code of Conduct**

**Please note that no such finding has been made yet.**

Paragraph number	Factors for the Standards Committee to take into account when deciding whether or not to order any sanctions available to the Standards Committee as set out in Paragraph 10 of the Procedure Document.
1	
2	
3	
4	
5	

Please attach separate sheets if necessary



## Standards Committee Determinations

### FORM D

#### Arrangements for the Standards Committee hearing

Please tick the relevant boxes

<p><b>1</b></p>	<p>The proposed date for the Standards Committee hearing will be notified shortly. Are you planning to go to the hearing?</p> <p>If 'No', please explain why.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reason:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>2</b></p>	<p>Are you going to present your own case?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<p><b>3</b></p>	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes' please state the name of your representative.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Name:</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>4</b></p>	<p>Is your representative a practising solicitor or barrister?</p> <p>If 'No', please go to question 5.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>5</b></p>	<p>Does your representative have any connection with the case?</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

<p><b>6</b></p>	<p>Are you going to call any witnesses? If 'Yes', please fill in Form E.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p><b>7</b></p>	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)? If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Details: ..... ..... ..... .....</p>
<p><b>8</b></p>	<p>Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)? If 'Yes' please give details.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Details: ..... ..... ..... .....</p>
<p><b>9</b></p>	<p>Do you want any part of the hearing to be held in private? If 'Yes', please give reasons referring to Part VA of the Local Government Act 1972.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Reasons: ..... ..... ..... .....</p>
<p><b>10</b></p>	<p>Do you want any part of the relevant documents to be withheld from public inspection? If 'Yes', please give reasons referring to Part VA of the Local Government Act 1972.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Reasons: ..... ..... ..... .....</p>

Please attach separate sheets if necessary.

**Standards Committee Determinations**

**FORM E**

**Details of proposed witness to be called**

Please tick the relevant boxes

<b>Name of witness or witnesses</b>		1	..... .....
		2	..... .....
		3	..... .....
<b>WITNESS 1</b>			
<b>a</b>	Will the witness give evidence about the allegation?  If 'Yes' please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/>  No <input type="checkbox"/>	<b>Outline of evidence:</b> ..... ..... ..... ..... ..... .....
	<b>b</b>  Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?  If 'Yes' please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/>  No <input type="checkbox"/>	<b>Outline of evidence:</b> ..... ..... ..... ..... ..... .....

<b>WITNESS 2</b>			
<b>a</b>	Will the witness give evidence about the allegation?  If 'Yes' please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/>  No <input type="checkbox"/>	<b>Outline of evidence:</b> ..... ..... ..... ..... ..... ..... ..... .....
	<b>b</b>	Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?  If 'Yes' please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/>  No <input type="checkbox"/>  <b>Outline of evidence:</b> ..... ..... ..... ..... ..... ..... ..... .....
<b>WITNESS 3</b>			
<b>a</b>	Will the witness give evidence about the allegation?  If 'Yes' please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/>  No <input type="checkbox"/>	<b>Outline of evidence:</b> ..... ..... ..... ..... ..... ..... ..... .....
	<b>b</b>	Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?  If 'Yes' please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/>  No <input type="checkbox"/>  <b>Outline of evidence:</b> ..... ..... ..... ..... ..... ..... ..... .....

Please attach separate sheets if necessary.

**ITEM 14**

**COUNCIL  
20 OCTOBER 2005**

**STANDARDS COMMITTEE  
RECOMMENDATIONS**

**(1) 21 SEPTEMBER 2005 REC. III: APPOINTMENT OF INDEPENDENT  
MEMBERS OF THE STANDARDS  
COMMITTEE**

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## REPORT OF STANDARDS COMMITTEE

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### MEETING HELD ON 21 SEPTEMBER 2005

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Chair: \* Councillor Janet Cowan

Councillors: Ann Groves \* Mrs Joyce Nickolay  
\* Harrison \* Thammaiah  
\* Paddy Lyne (2)

Independent Persons: \* The Rt Revd Peter Broadbent † Mrs Bijal Shah

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

[Note: Councillor Eileen Kinnear also attended this meeting in a participatory role].

#### **PART I - RECOMMENDATIONS**

##### **RECOMMENDATION III - Appointment of Independent Members of the Standards Committee**

The Standards Committee considered a report of the Director of Corporate Governance which requested that Members consider the options for appointing two new independent members, in accordance with the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001. The current independent members terms were due to end at the Borough Elections in 2006 after serving a four year term.

##### **Resolved to RECOMMEND: (For decision by Council)**

That (1) a Member selection panel made up of Members of the Standards Committee be appointed;

(2) the proposed Terms of Reference, as set out in Appendix 3 be approved; and

(3) the Independent Members be appointed to serve on the Standards Committee for 4 years, retiring at the Borough Elections in 2010.

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**Proposed Terms of Reference:**

"To consider how to conduct the recruitment of independent members of the Standards Committee, including the placing of appropriate advertisements. The appointment of 2 independent persons (to include two reserves) and complying with the requirement with regard to the size and composition of the committee's membership."

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**ITEM 19**

**COUNCIL  
20 OCTOBER 2005**

**COUNCIL APPOINTEES AS MEMBERS OF  
COMMITTEES AND REPRESENTATIVES ON  
OUTSIDE BODIES**

**REPORT OF THE CHIEF EXECUTIVE**

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**HARROW COUNCIL**

**COUNCIL MEETING – THURSDAY 20 OCTOBER 2005**

**COUNCIL APPOINTEES AS MEMBERS OF COMMITTEES AND REPRESENTATIVES ON OUTSIDE BODIES**

**REPORT OF THE DIRECTOR OF CORPORATE GOVERNANCE**

The political groups have requested amended or new appointments for which they have provided nominees, as set out in the following proposals.

**1. JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE ON THE REDEVELOPMENT OF NORTHWICK PARK HOSPITAL: MEMBERSHIP**

The Authority's representation on this Joint Committee was approved by Council at its meeting on 24 February 2005.

The current Harrow membership is Councillor Bluston (Reserve - Councillor Ann Groves) and Councillor Myra Michael (Reserve – Councillor Vina Mithani).

The Labour Group has given notice of a revised nomination as its Reserve Member. It is wished to replace Councillor Ann Groves by **Councillor Gate**.

**FOR CONFIRMATION**

**2. STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION: COUNCIL SIDE MEMBERSHIP:**

The Conservative Group has given notice of revised nominations in its membership of SACRE which are now advised for confirmation by Council:-

	Delete	New Appointee
Member	Cllr. Janet Cowan	Cllr. Mrs Champagne
Third Reserve	Cllr. Mrs Champagne	Cllr. Janet Cowan

**FOR CONFIRMATION**

**3. OUTSIDE BODY REPRESENTATION: LGA RURAL COMMISSION:**

The Local Government Association invites local authority applications to join the Rural Commission. Authorities may appoint two representatives.

The Labour Group has given notice of a proposal that Harrow join the Rural Commission for 2005/06 and has nominated Councillors Blann and Burchell as the Council's appointees.

**FOR CONFIRMATION**

John Robinson  
Director of Corporate Governance

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**ITEM 20**

**COUNCIL  
20 OCTOBER 2005**

**URGENT DECISION ON BEHALF OF THE  
COUNCIL**

**REPORT ARISING**

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## **HARROW COUNCIL**

### **COUNCIL MEETING – 20 OCTOBER 2005**

#### **URGENT DECISION TAKEN ON A MATTER RESERVED TO THE COUNCIL**

##### **Background**

In accordance with the delegations to Chief Officers (Section 3B of the Constitution: paragraph 3.1 “Matters which are the responsibility of the Council”) the Leaders of the three political groups on the Council were consulted on and agreed the following urgent decision on behalf of the Council.

##### **Decision Taken**

“Election Administration:

- (i) Confirming the Director of Corporate Governance’s responsibility to act as the Acting Returning Officer for Parliamentary Elections and as Returning Officer for other Elections and authorising him to appoint a Deputy and to make arrangements for insurance, in a similar form to previous election arrangements.
- (ii) Delegating to the Director of Financial and Business Strategy the power to effect sufficient insurance for and to provide an indemnity to the Acting Returning Officer and any Deputy Acting Returning Officer for all liabilities incurred in discharging the functions of those posts.

*[Note: These approvals were required prior to 19 April 2005, in connection with the General Election called for 5 May 2005].”*

#### **FOR CONFIRMATION**

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**ITEM 21**

**COUNCIL  
20 OCTOBER 2005**

**DECISIONS TAKEN UNDER THE URGENCY  
PROCEDURE AND THE USE OF THE SPECIAL  
URGENCY PROCEDURE**

**REPORT OF THE DIRECTOR OF CORPORATE  
GOVERNANCE**

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Meeting:	Council
Date:	20 October 2005
Subject:	Decisions taken under Urgency Procedure by Portfolio Holders/Leader and Cabinet and Use of Special Urgency Procedure
Responsible Officer:	Director of Corporate Governance
Contact Officer:	Nick Wale (Tel: 020 8424 1323 or Ext 2323) <a href="mailto:nick.wale@harrow.gov.uk">nick.wale@harrow.gov.uk</a>
Portfolio Holder:	Strategic Overview 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 Urgency Procedure in relation to the following reports to Cabinet, detailed in Appendix A, be noted:-

- (a) Voluntary Aided Schools Proposal
- (b) Business Transformation Partnership
- (c) Best Value Performance Plan
- (d) Business Transformation Partnership
- (e) Business Transformation Partnership

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 and the use of the special urgency procedure since the 12 May 2005 meeting of the Council, as required by the Constitution.

## **Benefits**

As per the individual reports to the relevant Portfolio Holder/Cabinet.

## **Cost of Proposals**

As per the individual reports to the relevant Portfolio Holder/Cabinet.

## **Risks**

As per the individual reports to the relevant Portfolio Holder/Cabinet.

## **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 12 May 2005.

### **2.2 Options considered**

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

### **2.3 Consultation**

Where appropriate, Ward Councillors, outside organisations and interested parties were consulted on individual reports considered by the Portfolio Holders.

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/ Cabinet.



## 2.5 Legal Implications

As per the individual reports to the relevant Portfolio Holder/ Cabinet.

## 2.6 Equalities Impact

As per the individual reports to the relevant Portfolio Holder/ Cabinet.

### **Section 3: Supporting Information/ Background Documents**

#### Supporting Information

Appendix A

#### 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 report considered by the relevant Portfolio Holder or Cabinet in respect of the item listed below is exempt from inspection by the public on the grounds that it contains confidential information under the specified paragraph of Part I of Schedule 12a to the Local Government Act 1972 (as amended).

<b>Subject</b>	<b>Paragraph(s)</b>
Concessionary Fares – Taxicard Eligibility Assessments and Management Support (PHD 001/05)	Exempt by virtue of paragraphs 7 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
Business Transformation Partnership (PHD 002/05)	Exempt by virtue of paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
Authority to enter into a Leaseholder Agreement (PHD 005/05)	Exempt by virtue of paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
O v. The London Borough of Harrow (PHD 006/05)	Exempt by virtue of paragraph 12 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
Compensation Wealdstone Highway Improvement Scheme, Part 1 Land Compensation Act 1973	Exempt by virtue of paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

(PHD 008/05)

Rent Free Use of Unit 4,  
Central Depot  
(PHD 014/05) Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Business  
Transformation  
Partnership  
(PHD 015/05) Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Lease of  
Accommodation (Aspect  
Gate, 166 College  
Road, Harrow)  
(PHD 025/05) Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Disposal of Site of 54 St  
Brides Avenue,  
Edgware  
(PHD 026/05) Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Electricity Sub-Station  
Kingsley High School  
(PHD 029/05) Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Contact III Contract &  
Personnel Case  
Management System  
(PHD 030/05) Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Judicial Review of a  
decision to refuse  
interim accommodation  
(PHD 035/05) Exempt by virtue of paragraph 12 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Home Computing  
Initiative  
(PHD 036/05) Exempt by virtue of paragraphs 7  
and 9 of Part 1 of Schedule 12A of  
the Local Government Act 1972 (as  
amended).

Business  
Transformation  
Partnership – Cabinet –  
19 May 2005 Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Business  
Transformation  
Partnership – Cabinet –  
23 June 2005 Exempt by virtue of paragraph 9 of  
Part 1 of Schedule 12A of the Local  
Government Act 1972 (as  
amended).

Business  
Transformation  
Partnership – Cabinet  
Appendices exempt by virtue of  
paragraph 8 of Part 1 of Schedule  
12A of the Local Government Act  
154

(Special) – 20  
September 2005

1972 (as amended).

**Urgent Decisions**

Portfolio Holders and the Leader have taken the following urgent decisions since Council on 12 May 2005: -

<b>Subject</b>	<b>Decision Maker (Portfolio Holder/Leader)</b>	<b>Reason for Urgency</b>
Release of Restrictive Covenant (Ref: PHD 093/04)	Leader	Any objection had to be lodged with the Lands Tribunal by 5 May 2005.
Concessionary Fares – Taxicard Eligibility Assessments and Management Support (Ref: PHD 001/05)	Strategic Overview and External Affairs	In order to prevent further delays.
Business Transformation Partnership (Ref: PHD 002/05)	Business Connections and Performance	To allow the accelerated procurement timetable of a strategic partner for the Council to remain on schedule.
Authority to enter into a Leaseholder Agreement (Ref: 005/05)	Planning, Development and Housing	To ensure that the grant from the Home Office is not lost and to meet the statutory requirement of the Home Office.
O v. The London Borough of Harrow (Ref: PHD 006/05)	Strategic Overview and External Affairs	The Appeal was to be heard on 13 or 14 June 2005.
Compensation Wealdstone Highway Improvement Scheme, Part 1 Land Compensation Act 1973 (Ref: PHD 008/05)	Planning, Development and Housing	To meet a statutory claim for compensation for depreciation caused by public works to land held by the claimant where no land has been taken from them.
Rent Free Use of Unit 4, Central Depot (Ref: PHD 014/05)	Leader	To enable a legal agreement to be finalised.
Business Transformation Partnership (Ref: PHD 015/05)	Business Connections and Performance	To allow the accelerated procurement timetable of a strategic partner for the Council to remain on schedule.

Implementing Electronic Government Return 2004 (IEG4) (Ref: PHD 023/05)	Business Connections and Performance	To allow the report to be submitted to the ODPM.
Lease of Accommodation (Aspect Gate, 166 College Road, Harrow) (Ref: PHD 025/05)	Leader	To allow the accommodation to be ready for occupation by the Business Transformation Partnership by the beginning of September.
Disposal of Site of 54 St Brides Avenue, Edgware (Ref: PHD 026/05)	Leader	To allow exchange of contracts once approval was received. Further delay could mean that the Council may have to remarket the property.
Response to Government Consultation - Adult Social Care Green Paper (Ref: PHD 028/05)	Strategic Overview and External Affairs	The deadline to submit a response to the Department of Health was 28 July 2005.
Electricity Sub-Station Kingsley High School (Ref: PHD 029/05)	Planning, Development and Housing	To enable a PFI project at the school to be completed by enabling an electricity sub station supplying power solely to the school to be constructed.
Contact III Contract & Personnel Case Management System (Ref: PHD 030/05)	Leader	Authorisation was required to comply with the Council's Contract Procedure Rules.
Judicial Review of a decision to refuse interim accommodation (Ref: PHD 035/05)	Deputy Leader (in the absence of the Portfolio Holder for Strategic Overview and External Affairs)	The Judicial Review was to be heard on 26 August 2005.
Home Computing Initiative (Ref: PHD 036/05)	Business Connections and Performance	In order to launch the HCI at the beginning of the new school term. There is a lead-time in producing the documentation and brochures ahead of the launch.

Cabinet has taken the following urgent decisions since Council on 12 May 2005.

<b>Subject</b>	<b>Decision Maker</b>	<b>Reason for Urgency</b>
Voluntary Aided Schools Proposal	Cabinet – 19 May 2005	Bid to the Department for Education and Skills (DfES) for Targeted Capital Fund allocations in 2006-07 and 2007-08 to establish an LEA maintained voluntary aided Hindu primary school in Harrow required submission by 27 May 2005.
Business Transformation Partnership	Cabinet - 19 May 2005	Delegating authority to the Business Connections and Performance Portfolio Holder, following consultation with the ICT Members Group would enable the rapid procurement process to remain on schedule.
Best Value Performance Plan	Cabinet – 23 June 2005	To meet the requirement for the publication of the Plan by 30 June 2005.
Business Transformation Partnership	Cabinet – 23 June 2005	Delegating the appointment of a preferred supplier to the Business Connections and Performance Portfolio Holder, following consultation with the ICT Members Group would allow the procurement of a strategic business partner to progress in line with an accelerated procurement timetable.
Business Transformation Partnership	Cabinet (Special) – 20 September 2005	To enable the contract with Capita to be signed on 30 September 2005.