



**MINUTES
of the
MEETING
of the
COUNCIL
of the
LONDON BOROUGH OF HARROW
held on
THURSDAY 10 JULY 2008**

Present: **The Worshipful the Mayor (Councillor John Nickolay)
The Deputy Mayor (Councillor Eric Silver)**

Councillors:

Husain Akhtar
Nana Asante
David Ashton
Mrs Marilyn Ashton
Mrs Camilla Bath
Miss Christine A. Bednell
Robert Benson
Don Billson
Mrs Lurline Champagne
Mrinal Choudhury
Golam Sobhan Chowdhury
John Cowan
Bob Currie
Margaret Davine
Mano Dharmarajah
Anthony Ferrari
Keith Ferry
Archie T. Foulds
Brian E. Gate
David Gawn

Mitzi Green
Susan Hall
Graham Henson
Thaya Idaikkadar
Nizam Ismail
Krishna James
Manji. Kara
Mrs E.M. Kinnear
Ashok Kulkarni
Jean Lammiman
Barry Macleod-Cullinane
Julia Merison
Salim Miah
Myra Michael
Jerry J. Miles
Vina Mithani
Chris Mote
Mrs Janet Mote
Narinder Singh Mudhar
Mrs Joyce Nickolay

Christopher D. Noyce
Phillip O'Dell
Asad Omar
Paul Osborn
Anjana Patel
Raj Ray
Richard David Romain
Paul Scott
Anthony Seymour
Navin Shah
Mrs Rekha Shah
Stanley Sheinwald
Dinesh Solanki
Bill Stephenson
Mrs Sasikala Suresh
Yogesh Teli
Keekira Thammaiah
Mark A. Versallion
Jeremy Zeid

PRAYERS

The meeting opened with Prayers offered by the
Reverend Antony Ford Rablen

269. COUNCIL MINUTES:

RESOLVED: That the minutes of the Annual meeting held on 8 May 2008 and Extraordinary meeting held on 5 June 2008 be taken as read and signed as correct records.

270. DECLARATIONS OF INTEREST:

The Mayor invited appropriate declarations of interests by Members of the Council in respect of the business on the Summons.

Councillor Salim Miah declared a personal interest in relation to Item 10 (Local Authorities (Alcohol Consumption in Designated Places) Regulations 2007) as a Licensee.

Councillor Graham Henson declared a personal interest in relation to Item 16(2) (Motion – Post Offices) as an employee of that organisation.

Councillor B E Gate declared a personal interest in relation to Item 16(3) (Motion – Healthcare in London) as two of his family members were employed by General Practitioner Clinics within Harrow.

The Deputy Mayor (Councillor Eric Silver) also declared a personal interest in relation to item 16(3) (Motion – Healthcare in London) as a Primary Care Trust contractor.

271. MAYOR'S ANNOUNCEMENTS:

The Mayor spoke briefly on several of his upcoming engagements, including the reintroduction of the Annual Battle of Britain Service to be held on 14 September 2008, requesting that Members note the engagements within their diaries.

The Mayor then spoke on a recent event he had attended to mark the retirement of Mr Chris Murphy, who had been employed by the Council for 47½ years.

RESOLVED: That

- (1) the report of the Worshipful the Mayor upon his official duties, as tabled, be noted and received;**
- (2) the Mayor write, on behalf of the Council, to congratulate Mr Chris Murphy on his long service to Harrow Council and to wish him an enjoyable retirement.**

272. COUNCILLOR JOHN COWAN:

Members of the Council expressed their pleasure at Councillor Cowan's return to meetings of the Council and unanimously welcomed him back.

273. PROCEDURAL MOTIONS:

- (i) Councillor Bill Stephenson moved a procedural motion under the general provisions of Rule 15.6 that the Motion included at Item 16(1) (Harrow Town Centre) of the Summons and indicated to stand referred to the next meeting of the Executive, as being a matter within its remit, should rather be considered at this Council meeting. Upon a vote, the procedural motion was not carried.
- (ii) Councillor Bill Stephenson asked why a question from Councillor Bob Currie under the provisions of Rule 13 had been ruled out of order by the Mayor on the grounds that it would require the disclosure of exempt information, given that the matter to be discussed was in the public domain. The Mayor advised that when he had initially excluded the question the information it referred to was not in the public domain and exempt from disclosure. However, he accepted that this position had changed and he therefore intended to allow the question to be asked under Item 15, but noted that it would be subject to written response by the Portfolio Holder.

- (iii) The Mayor took this opportunity to announce that following the issue of the Council Summons, he had agreed, under Council Procedure Rule 7.2, to the addition of a new item of business to the Summons, namely "Item 14(a) – Amendments to Committee and Outside Body Appointments".

RESOLVED: That

- (1) **the procedural motion under Rule 15.6, seeking the consideration at this meeting of the Motion at 16(1) of the Summons (Harrow Town Centre) (Resolution 286 refers), be not agreed;**
- (2) **the question from Councillor Bob Currie under the provisions of Rule 13 be asked under Item 15 (Resolution 285 refers) as the information was now in the public domain.**

274. PETITIONS:

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

- (1) By members of the public:
- (i) Submitted by Mr Barankar containing 13 signatures of residents, calling upon the Council to urgently amend the waiting times in High Road, Harrow Weald, covering properties numbered 205-227, to finish at 6.30pm in order to assist the traders to continue to run their businesses and to help boost the economic vitality and vibrancy of Harrow.
- [The petition stood referred to the Portfolio Holder for Environment Services and Community Safety].
- (ii) Submitted by Ms Freeman containing 112 signatures of residents, requesting that the Cabinet reconsider its decision to transfer residential services run by Harrow Consortium for Special Needs to Support for Living.
- [The petition stood referred to the Cabinet].
- (2) By Members of Council on behalf of Petitioners:
- (i) Submitted by Councillor Noyce containing 33 signatures of residents, objecting to Planning Application P/1885/08DFU for the conversion of a single family dwelling house into two separate flats.
- [The petition stood referred to the Development Management Committee].
- (ii) Submitted by Councillor Noyce containing 34 signatures of residents, objecting to a Planning Application for 15 The Close.
- [The petition stood referred to the Development Management Committee].
- (iii) Submitted by Councillor Solanki containing 1,430 signatures of residents, requesting that the Council seek to enable the return of Dr Kurien on a long term contract back at the local parade of Mollison Way, so that continuity of patient care and accessibility to the doctor's surgery is not compromised.
- [The petition stood referred to the Portfolio Holders for Adults and Housing, Children's Services and Community and Cultural Services].

275. PUBLIC QUESTIONS:

The following question had been submitted by a member of the public in accordance with Rule 12.3:-

<u>QUESTION BY</u>	<u>QUESTION OF</u>	<u>TEXT OF QUESTION</u>
Debbie Alway	Portfolio Holder for Adults and Housing (Councillor Barry Macleod-Cullinane)	<p>"I have received a letter from First Call concerning 'Investigating tenant management', which says "Unless you join the TMO you will be unable to vote later when it is decided if the TMO is to go ahead." Surely this cannot be correct?</p> <p>Everyone in the borough who is affected by this issue (be they tenants or leaseholders) should be entitled to vote, whether they have joined the TMO or not. The problem with joining the TMO is that the act of joining is considered by the TMO as being tacit approval of its existence"</p>

[Note: Under the provisions of Rule 12.7, the question was answered orally by the Portfolio Holder. The member of the public asked a supplementary question, which was also answered orally].

276. ETHICAL STANDARDS:

Further to Item 7 on the Summons, the Council considered Recommendation I from the Standards Committee meeting held on 5 June 2008, which sought to revise its terms of reference and operating arrangements in relation to the new system for handling complaints against Members and issues that required addressing by the Council, arising from the requirements of the Local Government and Public Involvement In Health Act 2007.

RESOLVED: That

- (1) the revised Terms of Reference be approved and adopted into the Constitution, as detailed in Appendix 1 to these Minutes;
- (2) the membership of the Assessment and Review Sub-Committees be three persons, comprising one independent member, who shall Chair the meeting, and two elected Members reflecting political proportionality where possible;
- (3) the membership of the Hearing Sub-Committee remain as five persons (whenever possible) comprising three independent members, one of whom shall Chair the meeting. This Sub-Committee should be politically balanced whenever possible. This Sub-Committee shall be quorate when one independent and one elected member from each political party on the Standards Committee are present;
- (4) the members of the Standards Committee shall form a pool from which the membership of all the Sub-Committees shall be drawn;
- (5) the Monitoring Officer should prepare a pre-assessment report in relation to any complaint for consideration by the Assessment Sub-Committee;
- (6) the criteria for the preparation of the Pre-assessment Report, Assessing Complaints, and Referrals to the Standards Board for England be approved;
- (7) the member complained about should be informed of the complaint as soon as possible after the meeting of the Assessment Sub-Committee;
- (8) the process be reviewed by Standards Committee in March 2009.

277. PROTOCOL FOR PLANNING COMMITTEES:

At Item 8 on the Summons, the Council received Recommendation II from the Standards Committee meeting held on 5 June 2008 to add the following paragraphs for Early Engagement on Strategic Planning Applications into the Protocol for Planning Committees, in line with the guidance contained within "Connecting Councillors with Strategic Planning Applications":

"Early Engagement on Strategic Applications

1. Since 2003 the complexity of the planning process has increased considerably particularly in respect of major applications which can require Environmental Assessments, Access and Design Statements, Transport Assessments, Viability 'Toolkits', Energy Statements, Children's Play statements etc. The numbers of major applications which are currently in the pipeline is far above what has previously been the norm for the authority, and the pressure to deal with these in a timely manner within Government targets remains.
2. To enable members to understand large scale applications and their implications the officers consider that they should have the opportunity to ask questions, raise issues and meet applicants, both prior to submission and between submission and determination. However, to avoid any problems of probity this engagement needs to be carefully managed. This approach is recommended in a leaflet published by London Councils, The Government Office for London and London First in November 2007.
3. Officers are recommending that applicants for major strategic schemes should be invited to make a presentation to members of the Committee and reserves, at which they should explain their proposals and answer questions of fact. Such presentations may also involve a site visit, and where necessary site visits for strategic proposals should be arranged prior to Committee meetings where the proposal is to be considered. At such presentations there should be no debate about the merits or otherwise of the scheme.
4. At least one senior officer should be present at all such meetings and may be called upon to answer any factual questions about policy issues etc.

Such meetings can be at either pre- or post-application stages and in some instances both may be appropriate. Similar meetings may also be arranged for ward/backbench members and members of the Executive."

RESOLVED: That the additional paragraphs be adopted as printed and included in the Protocol.

278. BEST VALUE PERFORMANCE PLAN:

Further to Item 9 on the Summons, the Council received Recommendation I of the Cabinet meeting held on 19 June 2008 on this matter.

The Recommendation was formally moved by the Leader (Councillor David Ashton).

RESOLVED: That the Best Value Performance Plan be approved and adopted.

279. LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PLACES) REGULATIONS 2007:

In relation to Item 10 on the Summons, the Council received a Recommendation from the Licensing and General Purposes Committee meeting held on 23 June 2008.

The Recommendation was formally moved by Councillor Mrs Lurline Champagne.

RESOLVED: That the existing Controlled Drinking Zone be extended to cover the whole of the Borough and that the current Zone be withdrawn on the date of implementation of the new Zone.

280. OVERVIEW & SCRUTINY COMMITTEE - TERMS OF REFERENCE:

Further to Item 12 on the Summons, the Council received a Recommendation from the Overview and Scrutiny Committee meeting held on 10 June 2008 to effect a change in its Terms of Reference.

The Recommendation was formally moved by Councillor Stanley Sheinwald.

RESOLVED: That the Terms of Reference of the Overview and Scrutiny Committee, as amended, be approved and adopted into the Constitution, as detailed in Appendix 2 to these Minutes.

281. SCRUTINY ANNUAL REPORT 2007/08:

- (i) Council received Recommendation I of the Overview and Scrutiny Committee meeting on 8 July 2008, which had been circulated in the tabled documentation for the meeting. The Scrutiny Annual Report 2007/08 had been circulated previously.
- (ii) The Recommendation was formally moved by Councillor Stanley Sheinwald.
- (iii) During consideration of this item, questions under Council Procedure Rule 13.1 (Questions Without Notice) were asked by Councillors Phillip O'Dell and Navin Shah, to which oral answers were provided.

RESOLVED: That the Overview and Scrutiny Committee's Annual Report for 2007/08 be adopted.

282. OPERATION AND PROVISIONS FOR CALL-IN AND URGENCY:

In accordance with Overview and Scrutiny Procedure Rule 23 which required Members to monitor annually the operation of the provisions for call-in and urgency, the meeting received a report of the Chief Executive on this matter.

RESOLVED: That the operation of the call-in and urgency procedures, as now reported, be noted.

283. APPOINTMENTS TO VACANCIES - REPRESENTATIVES ON OUTSIDE BODIES:

Item 16 on the Summons provided for the receipt of proposals from the Political Groups as to the appointment of representatives of the Authority to two vacancies on outside bodies for the remainder of the Municipal Year 2008/09.

RESOLVED: That the following appointments for the remainder of the Municipal Year 2008/09 be approved:

Name of Outside Body	Name of Councillor
Harrow Refugee and Minorities Forum	Councillor Christopher Noyce
North London Collegiate School Board of Governors	Councillor John Cowan

284. AMENDMENTS TO COMMITTEE AND OUTSIDE BODY APPOINTMENTS:

Further to Resolution 273 above, the Leader, under the general provisions of Rule 14.1, moved proposals for various amendments to committee memberships and outside body appointments, which were agreed, as follows:

Name of Committee	Name of Councillor to be replaced	Appointee for the remainder of 2008/09	Political Group holding nomination
Overview and Scrutiny Committee	Reserve: 1. Councillor Eric Silver 5. Councillor Lurline Champagne	Reserve: 1. Councillor Julia Merison 5. Councillor G Chowdhury	Conservative
Overview and Scrutiny Committee	Reserve: 1. Councillor Bill Stephenson	Reserve: 1. Councillor Krishna James	Labour
Standards Committee	Councillor Phillip O'Dell Reserve: 2. Councillor Asad Omar	Councillor Asad Omar Reserve: 2. Councillor Phillip O'Dell	Labour
Licensing and General Purposes	Nominated Member: Councillor Mrinal Choudhury	Nominated Member: Councillor Phillip O'Dell	Labour
Development Management Committee	Councillor Mrinal Choudhury Reserves: 1. Cllr David Gawn 3. Cllr Mrs Rekha Shah	Councillor Krishna James Reserves: 1. Cllr Mrinal Choudhury 3. Cllr Jerry Miles	Labour
Strategic Planning Committee	Nominated Member: Councillor Keith Ferry Reserves: 1.Cllr David Gawn 2.Cllr Graham Henson 3.Cllr Mrs Rekha Shah	Nominated Member: Councillor Thaya Idaikkadar Reserves: 1.Cllr Graham Henson 2.Cllr Krishna James 3.Cllr Jerry Miles	Labour

Name of Outside Body	Name of Councillor to be replaced	Appointee for the remainder of 2008/09	Political Group holding nomination
Age Concern Harrow	Councillor Krishna James	Councillor Asad Omar	Labour
Harrow Police and Community Consultative Group	Councillor Navin Shah	Councillor Mano Dharmarajah	Labour
Associated Joint Committee (London Councils Grants Committee)	Cllr Manji Kara Cllr Golam Chowdhury Cllr Joyce Nickolay Cllr Don Billson	Cllr Paul Osborn Cllr Marilyn Ashton Cllr Anjana Patel (deleted)	Conservative
Harrow College Further Education Board	Cllr Anjana Patel	Cllr John Cowan	Conservative

RESOLVED: That the changes to the committee memberships and outside body appointments, as set out above, be approved.

285. QUESTIONS WITH NOTICE:

- (1) The following question had been submitted by a Member of Council under Rule 13.2:-

<u>QUESTION BY</u>	<u>QUESTION OF</u>	<u>TEXT OF QUESTION</u>
Councillor Krishna James	Portfolio Holder for Environment Services & Community Safety (Councillor Susan Hall)	<p>Recently the Council has financed extra policing for Harrow Town Centre, a move which I welcome. However Wealdstone High Street is experiencing a lot of antisocial behaviour and violent crime.</p> <p>Will you also look at putting in extra police in Wealdstone High Street to cope with this problem, possibly by using some of the police from the Town Centre or preferably with extra police over and above this?</p>

[Notes: (i) Under the provisions of Council Procedure Rule 13.4, the question was answered orally by the Portfolio Holder;

(ii) under the provisions of Council Procedure Rule 13.5, the Member asked a supplementary question, which was also answered orally].

- (2) Further to Resolution 273 above, the following question which had also been submitted by a Member of Council under Rule 13.2 but initially ruled out of order, was asked:-

<u>QUESTION BY</u>	<u>QUESTION OF</u>	<u>TEXT OF QUESTION</u>
Councillor Bob Currie	Portfolio Holder for Adults and Housing (Councillor Barry Macleod-Cullinane)	<p>Recently Kier has admitted not adhering to Health and Safety Executive regulations in disposing of asbestos within some of the Council properties in 2-65 Brookside Close. Has the Council investigated whether other Council properties have also been involved and, if so, which ones?</p>

[Note: The Portfolio Holder undertook to respond fully in writing to the Member and all Members of Council].

286. MOTION AT ITEM 16(1) - HARROW TOWN CENTRE:

Further to the provisions of Council Procedure Rule 15.6, it was

RESOLVED: That the Motion at item 16(1) of the Summons stand referred to the next meeting of the Executive (in particular the Local Development Framework Panel), as being a matter within the remit of the Executive.

287. MOTION AT ITEM 16(2) - POST OFFICES:

- (i) At Item 16(2) on the Summons, the Council received a Motion in the names of Councillors Bill Stephenson and Navin Shah.
- (ii) The Motion was the subject of a cross party amendment in the names of Councillor Bill Stephenson and David Ashton, which sought to amend the Motion to read as follows:-

“This Council strongly deplores the decision by Post Office Ltd to close five post offices in Harrow following a cosmetic consultation exercise where well-argued views and serious concerns of Harrow residents were totally ignored and the predetermined outcomes were achieved which most adversely affect vulnerable people who greatly rely on their local post offices.

Council notes that the Town Centre Post Office is currently quite unfit for purpose being far too small with long queues and will be even more so in the light of the closures and of the proposed residential developments in the Town Centre.

Council also notes that Post Office Ltd is willing to enter into agreements with Local Authorities to take over the running of local post offices.

Council resolves:

- (1) To communicate the above resolution to Post Office Ltd as well as to the Harrow MPs and to the appropriate Government minister.
 - (2) To further explore the feasibility of Council running some local post offices.
 - (3) To seek a meeting with Post Office Ltd to discuss the Town Centre Post Office and the need for other post offices in Harrow in the light of plans for residential development.”
- (iii) The amendment, and subsequently the amended substantive Motion, were agreed by general assent.

RESOLVED: That the substantive Motion, as amended and set out at (ii) above, be adopted.

288. MOTION AT 16(3) - HEALTHCARE FOR LONDON:

- (i) At Item 16(3) on the Summons, the Council received a Motion in the names of Councillors Mrs Vina Mithani and Councillor Mrs Lurline Champagne.
- (ii) The Motion was the subject of a cross party amendment in the names of Councillors Mrs Vina Mithani and Councillor Mrs Rekha Shah, which sought to amend the Motion to read as follows:-

“This Council is concerned at the dramatic implications of the proposed changes to the NHS as contained in the Darzi Report, ‘Healthcare for London’, especially the possible imposition of polyclinics - perceived as a “one size fits all” model - with the potential to seriously damage the established pattern of provision of the general practitioner, which for decades has underpinned the provision of the basic healthcare needs of every individual “from conception to death”.

Council welcomes the assurances from our local health partners that Harrow does not face the prospect of such an imposition. However, Council resolves to oppose any local proposals:

- (i) if they fail to take into account local needs,
- (ii) if they undermine local GP practices and existing local health facilities,
- (iii) if stakeholders and residents have not been properly consulted and listened to.

Council resolves to communicate this motion to the two Harrow MPs, the Chief Executive of NHS London and the Minister of Health, in order to express its deep concerns over this issue”.

- (iii) The amendment, and subsequently the amended substantive Motion, were agreed by general assent.

RESOLVED: That the substantive Motion, as amended and set out above, be adopted.

289. DECISIONS UNDER THE URGENCY PROCEDURE AND USE OF SPECIAL URGENCY PROCEDURE:

Further to Item 17 on the Summons, the meeting received a report of the Director of Legal and Governance Services which provided a summary of the urgent decisions taken by Portfolio Holders and the Leader and the use of the special urgency procedure, since the last ordinary meeting of Council on 21 February 2008.

RESOLVED: That the urgent decisions taken by the Portfolio Holders and the Leader since the Council meeting on 21 February 2008 be noted.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 9.48 pm).

APPENDIX 1TERMS OF REFERENCESTANDARDS COMMITTEE

The Standards Committee will have the following powers and duties:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and “church” and parent governor representatives;
- (b) assisting Councillors, co-opted members and “church” and parent governor representatives to observe the Members’ Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (d) monitoring the operation of the Members’ Code of Conduct;
- (e) developing and recommending local protocols to the Council to supplement the Members’ Code of Conduct;
- (f) enforcing local protocols and applying sanctions in respect of breaches as appropriate;
- (g) advising, training or arranging to train Councillors, co-opted members and “church” and parent governor representatives on matters relating to the Members’ Code of Conduct;
- (h) granting dispensations to Councillors, co-opted members and “church” and parent governor representatives from requirements relating to interests set out in the Members’ Code of Conduct;
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- (j) to keep under review and amend, as appropriate, the Protocol on Councillor/Officer Relations;
- (k) to keep under review the Officer Code of Conduct and, after consultation with unions representing staff, make recommendations to Council for amendment or addition;
- (l) to receive reports and keep a general overview of probity matters arising from ombudsman investigations, Monitoring Officer reports, reports of the Chief Financial Officer and Audit Commission;
- (m) to have oversight of the Council’s whistleblowing policy;
- (n) to agree the policy for decisions on payments to those adversely affected by Council maladministration (under section 92 Local Government Act 2000)
- (p) To establish sub-committees to deal with complaints that a member or a co-opted member has failed to comply with the Council’s Code of Conduct
- (q) To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- (r) Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

Assessment Sub-Committee

The Assessment Sub-committee has the following powers and duties:

- (a) To receive allegations that a member or co-opted member of the Authority has failed, or may have failed, to comply with the Authority’s Code of Conduct

- (b) Upon receipt of each allegation, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
- refer the allegation to the Monitoring Officer, for formal investigation
 - refer the allegation to the Monitoring Officer with directions that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - refer the allegation to the Standards Board for England;
 - decide that no action should be taken in respect of the allegation; or
 - where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- (c) Where the Sub-Committee resolves to do any of the actions set out in paragraph the Sub-Committee shall state its reasons for that decision

Review Sub-Committee

The Review Sub-committee has the following powers and duties:

- (a) To review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation
- (b) Upon receipt of such request and any accompanying report by the Monitoring Officer, the Sub-Committee review the decision and shall then do one of the following:
- refer the allegation to the Monitoring Officer, for formal investigation
 - refer the allegation to the Monitoring Officer with directions that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - refer the allegation to the Standards Board for England;
 - decide that no action should be taken in respect of the allegation; or
 - where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

Hearing Sub-Committee

The Hearing Sub-committee has the following powers and duties

- (a) To consider allegation referred to it following investigation that a member or co-opted member has failed to comply with the Council's Code of Conduct for Councillors
- (b) To determine whether
- it accepts the Monitoring Officer's findings of no failure to observe the Code of Conduct
 - the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - that the matter should be referred to the Adjudication Panel for determination where it considers that the action it could take against the member is insufficient
- (c) Where the Sub-Committee resolves to do any of the actions set out in Paragraph (b) above, the Sub-Committee shall state its reasons for that decision.

APPENDIX 2OVERVIEW AND SCRUTINY COMMITTEEOVERVIEW AND SCRUTINY COMMITTEE – Terms of Reference

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

1. To oversee a more targeted and proportionate work programme that can help secured service improvement through in depth investigation of poor performance and the development of an effective strategy/policy framework for the council and partners
2. To have general oversight of the council's scrutiny function;
3. To support the executive's policy development function and the long-term strategic direction of the borough;
4. To anticipate policy changes and determine their potential impact on residents;
5. To consider the council and partners strategic approach to service delivery;
6. To undertake detailed investigation of service/financial performance in order to recommend policy changes and to commission light touch investigations by the Performance and Finance sub committee;
7. To consider items included in the Forward Plan as appropriate;
8. To consider such urgent items as are appropriate – area scrutiny.
9. To consider Councillor Call for Action in terms of
 - **Local Government Matter (Section 119, LGA 2007)**
 - **Local Crime & Disorder Matter (Section 19, Police & Justice Act 2006)**
10. **To discharge the functions conferred by Section 21(f) of the Local Government Act 2000 of reviewing and scrutinising, in accordance with regulations under Section 7 of the Health and Social Care Act 2001, matters relating to the planning, provision and operation of health services in Harrow.**
11. **To scrutinise matters relating to health and public health and to hear the views of local residents, with a view to improving health services, reducing health inequalities and improving the health of local residents.**
12. **To respond to consultations from local health trusts, Department of Health and any organisation which provides health services outside the local authority's area to inhabitants within it.**