

Council SUMMONS AND AGENDA

DATE: Thursday 5 July 2012

TIME: 7.30 pm

VENUE: Council Chamber, Harrow
Civic Centre

All Councillors are hereby summoned to attend the Council Meeting for the transaction of the business set out.



Hugh Peart
Director of Legal and Governance Services

Despatch Date: Wednesday 27th June 2012

PRAYERS

The Mayor's Chaplain, Imam Anas Mohamed, will open the meeting with Prayers.

1. Minutes (Pages 1 - 78)

That the minutes of the Ordinary Council meeting held on 16 February 2012, the Annual Council meeting held on 22 May 2012 and the Extraordinary Council meeting held on 24 May 2012 be taken as read and signed as correct records.

2. Declarations of Interest

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

3. Mayor's Announcements

To receive any announcements from the Mayor. Information as to recent Mayoral engagements will be tabled.

4. Procedural Motions

To receive and consider any procedural motions by Members of the Council in relation to the conduct of this Meeting. Notice of such procedural motions, received after the issuing of this Summons, will be tabled.

5. Petitions

To receive any petitions to be presented:

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

6. Public Questions

A period of up to 15 minutes is allowed for members of the public to ask questions of members of the Executive, Portfolio Holders and Chairmen of Committees, of which notice has been received no later than 3.00 pm two clear working days prior to the day of this Meeting. Any such questions received will be tabled.

7. Leader's Announcements

To receive a presentation from the Leader of the Council on business since the last ordinary meeting, followed by a question and answer session. The item is allotted 20 minutes.

- 8. Scrutiny Annual Report** (Pages 79 - 120)
Recommendation I: Overview & Scrutiny Committee
(3 April 2012)
- 9. The Standards Regime** (Pages 121 - 150)
Recommendation I: Standards Committee
(14 June 2012)
- 10. Review of Gambling Policy (Statement of Principles)** (Pages 151 - 178)
Recommendation I: Licensing & General Purposes Committee
(19 June 2012)
- 11. Harrow & Wealdstone Area Action Plan: Pre-Submission Consultation document** (Pages 179 - 182)
Recommendation I: Cabinet
(20 June 2012)
- 12. Pre-Submission Development Management Policies DPD** (Pages 183 - 186)
Recommendation II: Cabinet
(20 June 2012)
- 13. Pre-Submission Site Allocations DPD** (Pages 187 - 190)
Recommendation III: Cabinet
(20 June 2012)
- 14. Revised Proposed West London Waste Plan: Pre-Submission Consultation Document** (Pages 191 - 194)
Recommendation IV: Cabinet
(20 June 2012)
- 15. Operation and Provisions for Call-In and Urgency 2011/12** (Pages 195 - 200)
Report of the Director of Legal & Governance Services.

16. Amendments to Representatives on Outside Bodies

To consider proposals for changes in representation on the identified outside bodies as follows:

OUTSIDE BODY	REPRESENTATIVE TO BE REPLACED	NEW REPRESENTATIVE	POLITICAL GROUP HOLDING NOMINATION
Harrow Equalities Centre	Councillor David Perry	Councillor tbc	Labour
LBH Bus & Highways Liaison Meeting	Councillor Susan Hall	Councillor Camilla Bath	Conservative
LBH Rail Liaison Meeting	Councillor Susan Hall	Councillor Camilla Bath	Conservative
Victoria Hall, Harrow	Councillor Bill Phillips	Councillor Ben Wealthy	Labour

17. Questions with Notice

A period of up to 15 minutes is allowed for asking written questions by Members of Council of a member of the Executive or the Chairman of any Committee:-

- (i) of which notice has been received at least two clear working days prior to the day of this Meeting; or
- (ii) which relate to urgent matters, and the consent of the Executive Member or Committee Chairman to whom the question is to be put has been obtained and the content has been advised to the Director of Legal and Governance Services by 12 noon on the day of the Council Meeting.

Any such questions received will be tabled.

18. 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 indicated:

(1) Reinstatement of the Committee System

To be moved by Councillor James Bond and seconded by Councillor Chris Noyce:

“This Council takes the opportunity presented to them by the

Localism Act 2011 to reinstate the committee system of governance in Harrow to coincide with the start of the municipal year 2013 /14.

This Council instructs the Constitution Review Working Group to formally start work in preparation for Harrow's return to the committee system of governance.

In order to act within the spirit of a committee system of governance, that by definition is inclusive of all shades of opinion and expertise, the Constitution Review Working Group will be extended in membership to include councillors representing all the groups and independents.

This plan will:

- Properly utilise the knowledge, experience and unique skills available to this council which are on offer from all of the elected members which in turn will lead to a better informed debate and better decision making.
- Lead to a greater transparency, openness and accountability in the decision making of this council by demonstrating to local taxpayers that all of their elected representatives can contribute to the process.
- Put an end to the decision making being in the hands of a minority who make up the cabinet, which excludes not just all the opposition members but the majority of councillors from the controlling group. It will lead to a greater involvement by all councillors and result in a higher calibre of representation for residents on the council.
- Say to the people of Harrow that they have a council that actively embraces a significant part of the localism agenda and demonstrates comprehensively that this is an authority that listens and leads."

(2) **Negative impact of Welfare Reform on Residents**

To be moved by Councillor Sachin Shah and seconded by Councillor Graham Henson:

"This Council agrees with the comments of Daily Mail columnist, Sonia Poulton, who wrote in that newspaper on 17th January 2012 that the Welfare Reform Bill **"is the singularly most reprehensible attack on our vulnerable – our disabled – that this country has witnessed in many years."**

This Council further notes with concern the negative impact of current welfare reform on the residents' of Harrow and urges that the government rethink their proposals which are of little economic value but have serious social consequences."

(3) **Royal Mail**

To be moved by Councillor Bill Stephenson and seconded by Councillor Zarina Khalid:

“This Council is concerned that postal service in West London and by extension, the rest of the UK, is threatened by the collection, sortation and delivery of customer’s mail by the Dutch Postal Service TNT Post UK.

This Council supports fair competition but recognises that the UK is already the most competitive postal market in Europe and further recognises that Royal Mail has an obligation to deliver mail to every UK address, every working day including Saturdays.

We accept that Royal Mail is currently delivering a large business transformation programme in partnership with the Communication Workers Union that will ensure the most efficient and effective service for all customers going forward.

Council notes with concern that TNT Post UK end-to-end service, by cherry-picking profitable areas of the business offering collection and delivery from big customers to some addresses in West London will begin a spiral of decline in Royal Mail that will challenge the sustainability of the universal service.

This Council is aware that TNT employees may have to cycle 3 post-coded areas as oppose to the 1 area as Royal Mail are regulated to do, giving rise to mail being delivered after 9pm.

This Council is further aware that TNT have not confirmed how many days they intend to deliver to individual address’s and are concerned that customers will not be able to post items of mail as TNT do not have post boxes.

This Council understands that Royal Mail postmen or women will not be involved in any way in the process of TNT’s mail delivery which means that Royal Mail will no longer be responsible for the postal service experience.

This Council resolves to ask the Leader and Chief Executive, within the next month, to jointly write to:-

- The Government Minister with responsibility for Postal Services Sector and for managing the Government's shareholding in the Royal Mail Group
- The Chief Executive of Ofcom who have the responsibility and powers to regulate postal services

expressing Council’s concerns that such a service will disconnect

communities, companies and customers every working day across the UK and that failure to impose conditions on companies trying to deliver mail in unfettered competition to Royal Mail could mean the end of the six-day-a-week universal service obligation that is a cornerstone of the Royal Mail's business.”

(4) Regional and Local Public Sector Pay

To be moved by Councillor Bill Stephenson and seconded by Councillor Krishna James:

“This Council notes:

- The Chancellor of the Exchequer announced in the 2012 Budget the Government's desire to introduce 'more market facing' public sector pay. This could mean regional or local public sector pay.
- This recommendation has come in advance of the Pay Review Bodies reporting on the issue in July and September 2012.
- There has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions.

This Council believes:

- The Government's case is based on the claim that public sector pay is 'crowding out' the private sector. This is not supported by evidence, particularly at a time of high unemployment.
- This approach also ignores the real reasons for the differences between public and private sector pay. For instance, there are more high skilled workers in the public sector (such as teachers and nurses), and a smaller pay gap between top and bottom earners and a smaller gender pay gap.
- Public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East.
- All other English regions and devolved nations stand to be affected by this, with the possibility of years of pay falling behind the cost of living.
- 65% of public sector workers are female.

This Council further believes:

- Regional or local public sector pay would have a harmful effect on Harrow.
- It will make it harder for schools and other public services to

recruit and retain good quality professionals who could earn more for doing the same job elsewhere.

- Reducing the pay of Harrow's Public Sector Workers in real terms will dramatically reduce spending power and have a negative impact on the private sector and the local Harrow economy.
- This policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors.
- We do not want Harrow to be forever defined as a 'low pay' borough.
- This policy is therefore counter to Harrow's vision and ambitions for the future.

This Council instructs the Chief Executive :

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this council's opposition to plans for regional and localised public sector pay.
- To write to all local MPs within the next month outlining concerns about the impact that this policy would have on services and the local economy.
- To sign up to the Pay Fair campaign and raise awareness of the implications and risks of this policy locally, regionally and nationally."

(5) Olympics & the Diamond Jubilee Street Parties

To be moved by Councillor Graham Henson and seconded by Councillor David Perry:

"This Council notes the Community Spirit created by the celebration of the Diamond Jubilee through Street Parties.

This Council takes the opportunity to thank Council staff for all they did to facilitate the volunteer work of Communities and the way in which they supported the work of communities

This Council hopes that this positive way of working will continue as we welcome the Olympics to London especially as it will impact positively on our tourism, youth & sports agenda.

This Council commends all staff who have been involved in getting Harrow ready for the torch relay and wishes that Harrow's communities will come together once again to celebrate this important event.

This Council takes this opportunity to thank the previous Mayor of London, Ken Livingstone and his team who were instrumental in bringing the Olympics to London. This Council places on record its thanks to the present Mayor for providing funds to provide flags and other items to highlight the Olympics.”

(6) **Libraries Motion**

To be moved by Councillor Barry Macleod-Cullinane and seconded by Councillor Paul Osborn:

“This Council believes that party manifestos are promises made to Harrow residents, and that promises should be kept.

This Council is therefore of the view that an administration elected on a manifesto that promised three times it would not privatise “*our superb in-house library service*”, should not be taking steps to privatise or outsource Harrow’s libraries.

So that trust between the Council and residents can be maintained, this Council urges the administration to cease its so-called ‘Commissioning of Libraries’ programme.”

Under the provisions of Council Procedure Rule 14.6, it is considered that the subject matter of this Motion refers to matters within the powers of the Cabinet and the Motion should therefore stand referred to its next meeting. However, in accordance with 14.6, the Leader of the Opposition has notified her right to exercise her wish that this Motion, falling within the powers of the Executive, be first debated by Council. The Motion will therefore be subject to debate following the disposal of any Motions falling within the business reserved to Council.

19. Decisions Taken Under Urgency Procedure by Portfolio Holders, Leader and Deputy Leader and Use of Special Urgency Procedure (Pages 201 - 206)

Report of the Director of Legal and Governance Services.

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COUNCIL 5 JULY 2012

MINUTES

**COUNCIL MEETING – 16 FEBRUARY 2012
ANNUAL COUNCIL MEETING – 22 MAY 2012
EXTRAORDINARY COUNCIL MEETING – 24 MAY 2012**

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COUNCIL (COUNCIL TAX)

MINUTES

16 FEBRUARY 2012

Present:

- * Councillor Mrinal Choudhury (The Worshipful the Mayor)
- * Councillor Nizam Ismail (The Deputy Mayor)

Councillors:

* Husain Akhtar	* Amir Moshenson
* Sue Anderson	* Chris Mote
* Nana Asante	* Janet Mote
* Marilyn Ashton	* John Nickolay
* Mrs Camilla Bath	* Joyce Nickolay
* Christine Bednell	* Christopher Noyce
* James Bond	* Phillip O'Dell
* Mrs Lurline Champagnie OBE	* Asad Omar
* Kam Chana	* Paul Osborn
* Ramji Chauhan	* Varsha Parmar
Bob Currie	* David Perry
* Margaret Davine	* Bill Phillips
* Mano Dharmarajah	* Raj Ray
† Tony Ferrari	* Richard Romain
* Keith Ferry	* Anthony Seymour
* Ann Gate	* Lynda Seymour
* Brian Gate	* Navin Shah
* David Gawn	* Mrs Rekha Shah
* Stephen Greek	* Sachin Shah
* Mitzi Green	* Zarina Sheikh
* Susan Hall	* Stanley Sheinwald
* Graham Henson	* Victoria Silver
* Thaya Idaikkadar	* Bill Stephenson
* Krishna James	* William Stoodley
* Manji Kara	* Krishna Suresh
* Jean Lammiman	* Sasi Suresh
* Barry Macleod-Cullinane	* Yogesh Teli
* Kairul Kareema Marikar	* Ben Wealthy
* Ajay Maru	* Simon Williams
* Jerry Miles	* Stephen Wright
* Mrs Vina Mithani	

* Denotes Member present

† Denotes apologies received

PRAYERS

Prayers were offered by Mr Nila Madhava on behalf of the Mayor's Chaplain.

173. COUNCIL MINUTES

RESOLVED: That the minutes of the 3 November 2011 be taken as read and signed as a correct record.

174. DECLARATIONS OF INTEREST

The Mayor invited appropriate declarations of interest.

Item 8A – Integrated Planning: Corporate Plan 2012/13

Item 8B – Integrated Planning: Final Revenue Budget and MTFS 2012/13 to 2014/15

Item 9 – Final Housing Revenue Account and MTFS 2012/13 – 2014/15

Item 10 - Capital Programme 2012/13 - 2014/15

Item 11 – Treasury Management Strategy Statement, Prudential Indicators and Minimum Revenue Provision (MRP) Policy and Strategy 2012/13

Councillor Barry Macleod-Cullinane declared a personal interest in that his sister was a teacher at Hatch End High School.

Item 16(1) – Motion – Proposed Privatisation of London Fire Brigade Merton Control Room

Councillor Susan Hall declared a prejudicial interest as a member of the London Fire and Emergency Planning Authority (LFEPA).

Councillor Navin Shah declared a prejudicial interest as a GLA Member of LFEPA and had taken legal advice on this issue.

Item 16(3) – Motion – Whitchurch Pavilion and Playing Fields

Councillor Amir Moshenson declared a prejudicial interest as he lived in the vicinity of the area in question.

Councillor Nana Asante declared a personal interest as her church, on occasions, utilised Whitchurch Playing Fields.

Councillor Camilla Bath declared a personal interest as she was the Chair of Governors of the Whitchurch First School and Nursery.

Item 16(4) – Motion – HPCCG

The Worshipful the Mayor (Councillor Mrinal Choudhury) declared a personal interest as he had chaired the last Annual General Meeting of the Harrow Police and Community Consultative Group (HPCCG).

Councillor Nana Asante declared a personal interest as she had attended the last Annual General Meeting of the HPCCG.

Councillors Susan Hall and Vina Mithani declared personal interests as they were Councillor representatives on the HPCCG.

Item 16(5) – Motion – Fairtrade

Councillor Nana Asante declared a personal interest in that she was Chair of the Fairtrade Campaign.

Councillors Husain Akhtar, Camilla Bath and Yogesh Teli declared personal interests as they had attended meetings of the Fairtrade Campaign.

Item 16(6) – Motion – NHS

Councillors Sue Anderson and Ann Gate declared prejudicial interests as employees of the NHS.

Councillor Husain Akhtar declared a personal interest as his children worked for the NHS.

Councillor Lurline Champagnie declared a personal interest as she was a member of the Royal College of Nurses.

Councillor Brian Gate declared a personal interest as he was married to an employee of the NHS.

Councillor Krishna James declared a personal interest as she was a qualified nurse and several of her relatives worked for the NHS.

Councillor Vina Mithani declared a personal interest as she worked for the Health Protection Agency.

Councillors Chris and Janet Mote declared personal interests as their daughter worked for the NHS.

Item 16(7) – Motion – Step Free Access to Stations

Councillor Camilla Bath declared a prejudicial interest as an appointed member of the Rail Liaison Committee.

Councillor James Bond declared a personal interest as an employee of Transport for London.

Item 16(8) – Motion – London Living Rent

Councillor Nana Asante declared a personal interest in that she was in receipt of benefit and the London Living Rent affected her.

Item 16(9) – Motion – Carers in Harrow

Councillor Sachin Shah declared a prejudicial interest as he worked for a charity which provided personal care.

Councillor Sue Anderson declared that as she was registered as a carer with the Council.

Item 16(10) – Motion – Whitchurch Lease

Councillor Amir Moshenson declared a prejudicial interest as he lived in the vicinity of the area in question.

Councillor Camilla Bath declared a personal interest as Chair of Governors for the Whitchurch First School and Nursery.

Item 16(11) – Motion – Mayor of London

Councillor Navin Shah declared a personal interest as a Greater London Authority (GLA) Member.

175. MAYOR'S ANNOUNCEMENTS

The Mayor reported that he, together with the Deputy Mayor and Honorary Alderman, had attended nearly 500 engagements to date. The Mayor paid particular attention to the following:

- attended the North Holocaust Memorial Day event held in the Council Chamber;
- hosted a visit from the Anglican Alliance which had involved representatives from across Africa developing their knowledge of the Council;
- hosted a Tea Reception for Harrow Bereavement Care.

The Mayor also congratulated, on behalf of the Council, those Harrow residents that had been awarded New Year Honours by Her Majesty the Queen.

RESOLVED: That the report of the Worshipful the Mayor upon his official duties, as tabled, be noted and received.

176. PROCEDURAL MOTIONS

- (i) The Mayor advised that he had received notice of the withdrawal of Motion 16(13) – Council Tax from its proposer and seconder. The amendment contained in the tabled papers, would therefore not be considered;

- (ii) The Mayor stated that he had received notice of an alteration to the proposer and seconder for Motion 16(1) – Proposed Privatisation of London Fire Brigade Merton Control Room. Councillor David Perry would now be the proposer and Councillor Brian Gate the seconder.
- (iii) The Leader of the Council, Councillor Bill Stephenson, moved a procedural motion under Rule 26.1 that in line with previous years and for the purposes of the debate on the Final Revenue Budget and MTFS 2012/13 to 2014/15, the rules of debate be varied, as set out in the tabled documents, and that the procedure therein be also applied to the reports on the Corporate Plan 2012/13, Final Housing Revenue Account and MTFS 2012/13 – 2014/15, Capital Programme 2012/13 to 2014/15 and Treasury Management Strategy Statement, Prudential Indicators and Minimum Revenue Provision (MRP) Policy and Strategy 2012/13, insofar as the recommendations and amendments be debated jointly. This was agreed.
- (iv) The Mayor proposed that if the debate on items 8-11 continued beyond 10.30 pm, he would consider the guillotine as having been reached and that all remaining items on the Summons would be voted on without debate, in accord with Rule 9.3.
- (v) The Mayor announced that he had received notice, within the tabled papers, of 3 amendments in respect of Motions on the Summons. These would be dealt with individually at the items concerned.
- (vi) The Mayor informed Council that Motions 16(3) - Whitchurch Pavilion and Playing Fields and 16(10) - Whitchurch Lease fell within the remit of the Executive and therefore, stood referred to the next meeting of Cabinet.
- (vii) The Council received notification within the tabled papers of an Urgent Motion (Council Prayers). The Leader of the Council rose to request that the Urgent Motion not be admitted as the issue was currently under appeal and a legal ruling was awaited. Upon a vote the Urgent Motion was refused.

RESOLVED: That

- (1) the withdrawal of Motion 16(13) – Council Tax be noted;**
- (2) the change of proposer and seconder for Motion 16(1) – Proposed Privatisation of London Fire Brigade Merton Control Room be noted;**
- (3) the partial suspension under Rule 25.1, regarding the moving of recommendations from Cabinet and the rules of debate (including extended time for opening speeches by both political groups), as set out in the tabled papers, be approved for the purposes of the debate upon:**

Item 8A – Integrated Planning: Corporate Plan 2012/13;
Item 8B – Final Revenue Budget and MTFS 2012/13 - 2014/15;
Item 9 – Final Housing Revenue Account and MTFS 2012/13 - 2014/15;
Item 10 - Capital Programme 2012/13 – 2014/15;
Item 11 – Treasury Management Strategy Statement, Prudential Indicators and Minimum Revenue Provision (MRP) Policy and Strategy 2012/13;

- (4) it be noted that should the debate on items 8-11 continue beyond 10.30 pm, in accord with Rule 9.3, the guillotine procedure would come into force and the remaining items on the Summons would be voted on without debate;**
- (5) the 3 further amendments tabled in respect of Motions on the Summons, be dealt with individually at the Motions concerned;**
- (6) it be noted that Motions 16(3) - Whitchurch Pavilion and Playing Fields and 16(10) - Whitchurch Lease fell within the remit of the Executive and stood referred to the next meeting of Cabinet;**
- (7) the Urgent Motion (Council Prayers) be not admitted.**

177. PETITIONS

In accordance with Rule 10, the following petitions were presented:

- (i) Petition submitted by Councillor Susan Hall, containing 26 signatures of Members and residents, expressing concern over the impact of the Council's proposed changes to Staff Terms and Conditions on non-teaching staff in schools and other low paid staff.**

[The petition stood referred to the Portfolio Holder for Performance, Customer Services and Corporate Services].
- (ii) Petition submitted by Councillor Janet Mote, containing 30 signatures of residents, objecting to the application for a telephone mast at the junction of Pinner Road / George V Avenue, Planning No: P/0066/12".**

[The petition stood referred to the Planning Committee].
- (iii) Petition submitted by Councillor Chris Noyce, containing 45 signatures of residents, objecting to the proposed development situated at 6 The Glen, Pinner, Middlesex, HA5 5AY Ref: P/3271/11.**

[The petition stood referred to the Planning Committee].
- (iv) Petition submitted by Councillor Chris Noyce, containing 10 signatures, requesting a security gate in the alleyway for Lucas Avenue and Clitheroe Avenue residents.**

[The petition stood referred to the Deputy Leader and Portfolio Holder for Environment and Community Safety].

178. PUBLIC QUESTIONS

In accordance with Rule 12, the questions submitted by members of the public and responded to by Portfolio Holders is contained at Appendix I.

179. PETITION - ADMIRAL NURSING

- (i) In accordance with the Council's Petition Scheme, Members considered a petition which had initially been received at its meeting on 3 November 2011;
- (ii) the petition contained over 2,000 signatures and its terms were read by Mr Neville Hughes, Head Petitioner, as follows:

'We, the undersigned, urgently request the Council of the London Borough of Harrow and NHS Harrow to reinstate the Admiral Nursing Service in Harrow. Admiral Nurses provide a unique and critical service for Residents who have any form of Dementia, and their carers.'

- (iii) A debate was held on the content of the petition.

RESOLVED: That the petition be referred to Cabinet for consideration.

180. INTEGRATED PLANNING: CORPORATE PLAN 2012/13

- (i) Further to item 8A on the Supplemental Summons, the Leader of the Council, Councillor Bill Stephenson, moved Recommendation I of the Cabinet meeting held on 9 February 2012. The Leader also tabled three amendments to the formal Recommendation, which proposed minor amendments to the Priority Actions concerning Affordable Housing, Waste Reduction and Delivering Improved Performance of Highways as follows:
 - Priority Action, 'Affordable Housing' to read: "139 affordable housing units delivered. This reflects an appropriate affordable housing proportion as set out in the Core Strategy for Housing target and the current delivery pipeline reported by Housing".
 - Priority Action, 'Reduce the amount waste produced by the borough', to include the following measures:
 1. Number of Home composting kits taken up by Harrow residents. Each Home Composter diverts 150kg of waste;

2. Two West London Waste 'Let's Get Cooking Clubs' set up in Harrow, which are projected to reduce waste by 27 tonnes.

- Priority Action, 'Deliver improved performance of our Highways through a more efficient contract' to include the following measure - ensure the projected efficiencies are delivered.

- (ii) Further to the decision at Resolution 176 above, the amendments and Recommendation were debated jointly.
- (iii) Following a full debate, the amendments outlined at (i) above were voted upon and agreed.
- (iv) Upon the meeting moving to a vote upon the substantive Recommendation this was carried and adopted.

RESOLVED: That the Corporate Plan 2012/13 be adopted.

181. INTEGRATED PLANNING: FINAL REVENUE BUDGET AND MTFs 2012/13 TO 2014/15

Further to item 8B on the Supplemental Summons, the Leader of the Council, Councillor Bill Stephenson, moved Recommendation II of the Cabinet meeting held on 9 February 2012 together with the tabled version of the Council Tax Resolution, which had been subject to minor amendments to reflect new legislative requirements.

RESOLVED: That

- (1) the budget be approved to enable the Council Tax for 2012/13 to be set;**
- (2) the Policy on the Use of the Contingency be approved;**
- (3) the Schools Budget be approved;**
- (4) the Reserves Policy be approved;**
- (5) the Virements Rules be approved;**
- (6) Members' Allowances be frozen for a further year and the current approved Members' Allowances Scheme be adopted for 2012/13;**
- (7) in the event that responsibility for public health is transferred to the Council during 2012/13, authority be delegated to the Interim Corporate Director Resources to incorporate the transferred amount into the budget;**
- (8) the Council Tax resolution, set out at Appendix II to these minutes, be approved and published.**

182. FINAL HOUSING REVENUE ACCOUNT AND MTFIS 2012/13 - 2014/15

Further to item 9 on the Supplemental Summons, the Leader of the Council, Councillor Bill Stephenson, moved Recommendation III of the Cabinet meeting held on 9 February 2012.

RESOLVED: That

- (1) the borrowing of additional debt, as a consequence of the Housing Revenue Account (HRA) reform, for a fixed rate of over 5 years with the continuation of a single pooled approach to the management of debt, be approved;**
- (2) it be noted that the Tenants', Leaseholders' and Residents' Consultative Forum had given conditional support to a 50 years loan and single pool arrangement, provided that there was some form of 'guarantee' that the Council would deliver the total package of measures to address housing service pressures;**
- (3) the HRA Budget 2012/13, as set out at Appendix III to these minutes, be approved.**
- (4) the HRA Capital Programme, as detailed in Appendix IV to these minutes, be approved and the balance of the £500k Section 106 monies allocated to extensions for Council homes, approved in March 2008 for the financial years 2008/10, be extended to 31 March 2013.**

183. CAPITAL PROGRAMME 2012/13 to 2014/15

Further to item 10 on the Supplemental Summons, the Leader of the Council, Councillor Bill Stephenson, moved Recommendation IV of the Cabinet meeting held on 9 February 2012.

RESOLVED: That the Capital Programme for 2012/13 - 2014/15 be approved.

184. TREASURY MANAGEMENT STRATEGY STATEMENT, PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION (MRP) POLICY AND STRATEGY 2012/13

Further to item 11 on the Supplemental Summons, the Leader of the Council, Councillor Bill Stephenson, moved Recommendation V of the Cabinet meeting held on 9 February 2012.

RESOLVED: That

- (1) the Treasury Management Strategy and Prudential Indicators be approved;**

- (2) the Minimum Revenue Provision Policy and Strategy 2012/13 be approved.

185. CORE STRATEGY ADOPTION

- (i) Further to item 12 on the Supplemental Summons, the Leader of the Council, Councillor Bill Stephenson, moved Recommendation VI of the Cabinet meeting held on 9 February 2012.
- (ii) During the consideration of the item a Member rose to express concern that the item was not subject to debate.
- (iii) The Mayor reminded Councillors that following agreement at Resolution 176 above the guillotine procedure was in operation and that the item would be moved to an immediate vote.
- (iv) Upon a vote the Recommendation was agreed.

RESOLVED: That the Core Strategy be adopted, as part of the Development Plan for Harrow.

186. AMENDMENT TO HARROW COUNCIL'S LICENSING POLICY TO INCLUDE A STATEMENT IN RELATION TO THE OLYMPICS 2012

Further to item 13 on the Summons, the Chairman of Licensing and General Purposes Committee, Councillor Mano Dharmarajah, moved Recommendation I of the meeting held on 21 November 2011.

RESOLVED: That the following amendment to Harrow Council's Licensing Policy (otherwise known as the 'Statement of Licensing Policy') be agreed and adopted as part of the Licensing Policy:

"The Council is fully committed to a safe and successful Olympic and Paralympic Games in London during 2012. The Council recognises that the resources of the police, transport and emergency services will be planned out and prioritised for the security of major events before, during and after the Games, as a minimum from 15 July 2012 until 16 September 2012.

Due consideration will be given by the Council to representations from the Police in relation to licence applications for temporary and/or parallel events during Games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is likely that such applications will not be granted."

187. PAY POLICY STATEMENT 2012/13

- (i) In accord with legislative requirements Members considered a report detailing the Council's draft Pay Policy Statement 2012/13 which required publication by 31 March 2012.
- (ii) During the consideration of the item the Leader of the Opposition rose, on a point of clarification, to question whether the report was sufficiently complete to be considered by Council, as the report did not identify fully the electronic link points referenced within it.
- (iii) The Mayor confirmed that, following legal advice, he was satisfied the report was acceptable, noting that the query should have been raised as part of the Procedural Motions at Resolution 176 above.
- (iv) Several Councillors rose and withdrew for the remainder of the meeting. The meeting remained quorate following the withdrawal of these Councillors.
- (v) Upon a vote the Recommendation was agreed.

RESOLVED: That the Pay Policy Statement 2012/13 be agreed for publication on the Council's website.

188. QUESTIONS WITH NOTICE

As the guillotine procedure was in force no Councillors questions were heard. The questions and subsequent responses by Portfolio Holders, are contained at Appendix VI to these minutes.

189. MOTION - PROPOSED PRIVATISATION OF LONDON FIRE BRIGADE MERTON CONTROL ROOM

- (i) At item 16(1) the Council received a Motion in the names of Councillors David Perry and Brian Gate in the following terms:

"This Council notes that:

- The Conservative-controlled London Fire & Emergency Planning Authority (LFEPA), supported by Mayor Boris Johnson, is proposing to privatise the 999 Control Room function and hand over the running of this essential component of one of London's major emergency services to a private contractor.
- A quarter of a million emergency calls are made to the London Fire Brigade Control Room each year requiring an immediate and considered response by the highly-trained professional Brigade staff.

- No consideration has been given to any other option to provide the service, including an in-house bid, or to the financial implications of taking this route.

This Council is concerned that such a privatisation will:

- Put the safety of our local Harrow residents at risk due to the lack of any risk assessment being carried out.
- Outsource a vital service to a company whose primary focus, as a private enterprise, must be profit for its shareholders.
- Have a detrimental effect on the speed of response from the Control Room and the quality of advice given to those at the scene of a fire.
- Mean additional cost to Londoners in monitoring and ensuring the necessary high performance of the contractor.
- Further demoralise staff who have not only identified savings of £1.5m but worked extended shifts during times of need, such as the recent riots in London.

This privatisation is typical of the Conservative-led Government's attack on our cherished public services including our schools, armed forces and the NHS. The outsourcing of major London Fire Brigade functions, including essential 999 services, means that Conservative ideology is being put before the interests of ordinary Londoners. Londoners not shareholders must come first.

Harrow Council therefore opposes the plan to privatise the London Fire Brigade's 999 Control Room function and instruct the Chief Executive to write to Mayor Boris Johnson to use his powers of direction to stop LFEPA proceeding with the proposal and to seek support from local MPs, the London Assembly and council unions."

- (ii) Upon a vote the Motion was carried.

RESOLVED: That the substantive Motion be adopted.

190. MOTION - COUNCIL TAX

- (i) At item 16(2) the Council received a Motion in the names of Councillors Susan Hall and Barry Macleod-Cullinane in the following terms:

"This Council notes that every single London council is either freezing or cutting their council tax this year.

Additionally, this Council is aware of the difficult economic climate, and of the challenges faced by many residents in making ends meet.

Therefore, this Council commits, in principle, to freezing council tax for 2013/14 and 2014/15, with a view to cutting it if financial pressures allow.”

- (ii) The Motion was not carried.

RESOLVED: That the Motion be not adopted.

191. MOTION - WHITCHURCH PAVILION AND PLAYING FIELDS

In accordance with Rule 14.7, this Motion stood referred to the Executive.

192. MOTION - HPCCG

- (i) At item 16(4) the Council received a Motion in the names of Councillors Krishna James and Sasikala Suresh in the following terms:

“This Council notes with concern the risk that oversight of the Police and the Community Consultative work undertaken by HPCCG over the past 30 years will come to an end. It is of real concern that no contingency plans have been made to ensure that the work continues. It is important to note that the need for a systematic two way conversation between the community and its police service was recognised in Section 96 of the Police Act 1996; which requires ‘that arrangements be made in the Metropolitan Police District by the Metropolitan Police Authority, after consulting with the Commissioner, for obtaining the views of people in that area about matters concerning the policing of the area and for obtaining their cooperation with the police in preventing crime in the area’.

This Council instructs the Chief Executive to write to Harrow’s 3 MPs, GLA Member and the Mayor of London and ask that they work to ensure that Harrow residents are able to engage with the Police and help keep Harrow one of the safest boroughs in London.”

- (ii) The Motion was agreed by general assent.

RESOLVED: That the substantive Motion be adopted.

193. MOTION - FAIRTRADE

- (i) At item 16(5) the Council received a Motion in the names of Councillors Nana Asante and Sue Anderson in the following terms:

“This Council notes the close working relationship that Harrow Fairtrade Campaign and Brent Fairtrade Network have developed over the past year.

This Council also notes that the Fairtrade Cotton Bunting Challenge aims to link Brent Town Hall and Harrow Civic Centre.

In light of these links, this Council congratulates our sister borough Brent on achieving Fairtrade status and instructs the Chief Executive to write to the Leader of the Council and Brent Fairtrade Network offering Harrow's best wishes for their celebration on 3rd March 2012."

- (ii) The Motion was agreed by general assent.

RESOLVED: That the substantive Motion be adopted.

194. MOTION - NHS

- (i) At item 16(6) the Council received a Motion in the names of Councillors Krishna James and William Stoodley in the following terms:

"This Council notes that the NHS bill currently going through Parliament is ill thought out and costly. It is immoral to be wasting close to £1 billion at a time when austerity measures are being implemented in all areas of life, including this Council. This Council notes with concern the risk to Patient Care being produced by this attack on the NHS.

Several Professional Health bodies, the Royal College of GPs, the Royal College of Nursing and the Chartered Society of Physiotherapists, have grave concerns regarding the reforms to the NHS. Since these esteemed professional organisations have asked that the Bill be scrapped altogether, it can only mean that pushing through the reforms will lead to poor health care for Harrow residents.

This Council notes that the medical director of the largest commissioning cluster in the capital has said hospitals in north west London "will almost certainly" have to close.

This Council wishes to record its clear support for the Royal College of GPs, the Royal College of Nursing and the Chartered Society of Physiotherapists in their opposition to these market driven plans to privatise the NHS from the backdoor in the name of modernisation.

This Council instructs the Chief Executive to write to the 3 MPs to express our concerns about the risk to the NHS and to ask that Harrow's 3 MPs categorically reject these proposals and work to ensure that Harrow residents are guaranteed free health care at the point of use."

- (ii) There was a tabled amendment in the names of Councillors Barry Macleod-Cullinane and Simon Williams, which sought to amend the Motion to read:

"This Council notes that the NHS bill currently going through Parliament is ill thought out and costly. It is immoral to be wasting close to £1 billion at a time when austerity measures are being implemented in all areas of life, including this Council. This Council notes with concern the risk to Patient Care being produced by this attack on the NHS.

Several Professional Health bodies, the Royal College of GPs, the Royal College of Nursing and the Chartered Society of Physiotherapists, have grave concerns regarding the reforms to the NHS. Since these esteemed professional organisations have asked that the Bill be scrapped altogether, it can only mean that pushing through the reforms will lead to poor health care for Harrow residents.

This Council notes that the medical director of the largest commissioning cluster in the capital has said hospitals in north west London "will almost certainly" have to close.

This Council wishes to record its clear support for the Royal College of GPs, the Royal College of Nursing and the Chartered Society of Physiotherapists in their opposition to these market driven plans to privatise the NHS from the backdoor in the name of modernisation.

This Council notes for information that, under the existing organisational structure of the National Health Service:

1. Harrow Primary Care Trust (PCT) was rated as the sixth worst PCT in the country in 2010 (138th out of 144) by the Health Service Journal, with the second worst competency rating.
2. Despite receiving 5% extra funding from the previous government, Harrow PCT is making up to £57 million of cuts during this year to tackle its own financial mismanagement. Harrow PCT's former chief executive said that its financial problems were "probably bigger than any other PCT in London".
3. Harrow PCT has already cut £2 million out of mental health services, vital to some of Harrow's most vulnerable residents, and is now looking to cut IVF and other services.
4. Harrow PCT ranks in the bottom third for England and the bottom 15% for London for recovery rates for depression and anxiety, with just 35% of patients given psychological therapy for depression and anxiety returning to full health. Harrow PCT ranks 25th out of 29 in London, and 111th out of 152 nationwide.
5. Harrow PCT abruptly closed the Pinner Village Surgery in 2010 without proper consultation and weak justification, inconveniencing thousands of Harrow residents.

This Council instructs the Chief Executive to write to the 3 MPs to express our concerns about the risk to the NHS and to ask that

Harrow's 3 MPs categorically reject these proposals and work to ensure that Harrow residents are guaranteed free health care at the point of use."

- (iii) The Motion, as set out at (i) above was carried.

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

195. MOTION - STEP FREE ACCESS TO STATIONS

- (i) At item 16(7) the Council received a Motion in the names of Councillors Sue Anderson and Bill Phillips in the following terms:

"This Council congratulates Campaigners who have continued to keep the issue of step free access at Harrow's stations in the public eye. This Council instructs that the Chief Executive write to the Mayor of London to remind him that Harrow residents would like the necessary investment to be made in public transport infrastructure so that residents can enjoy step-free access to local stations."

- (ii) There was a tabled amendment in the names of Councillors Susan Hall and Barry Macleod-Cullinane, which sought to amend the Motion as follows:

"This Council congratulates Campaigners who have continued to keep the issue of step free access at Harrow's stations in the public eye. This Council instructs that the Chief Executive write to the Mayor of London.

This Council notes that the collapse of Metronet has delayed getting step-free access for Harrow on the Hill station.

This Council further notes that using capital presently earmarked for investment for revenue support purposes would necessarily reduce the funds available for infrastructure works on the Underground network and thus create further delays in securing the funds for implementing step-free access upgrades at Harrow on the Hill and other stations across Harrow."

- (iii) Upon a vote, the amendment at (ii) was lost.

- (iv) Upon a further vote the substantive Motion at (i) was agreed.

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

196. MOTION - LONDON LIVING RENT

- (i) At item 16(8) the Council received a Motion in the names of Councillors Nana Asante and Thaya Idaikkadar in the following terms:

“This Council notes with concern the negative impact of Housing Benefit changes on Harrow residents and urges that Harrow’s 3 MPs campaign to ensure that Harrow residents are able to work and live in the borough.

This Council affirms the importance of family and community and wishes to place on record its support for the London Living Rent which would ensure that no one pays out more than 1/3 of their wages on rent enabling families to stay together and strong communities to be built in the borough.

This Council instructs the Chief Executive to write to Harrow’s 3 MPs and ask that they support the London Living Rent so that it becomes part of legislation.”

- (ii) There was a tabled amendment in the names of Councillors Barry Macleod-Cullinane and Paul Osborn, which sought to amend the Motion as follows:

“This Council notes with concern the negative impact of Housing Benefit changes on Harrow residents and urges that Harrow’s 3 MPs campaign to ensure that Harrow residents are able to work and live in the borough.

This Council affirms the importance of family and community and wishes to place on record its support for the London Living Rent which would ensure that no one pays out more than 1/3 of their wages on rent enabling families to stay together and strong communities to be built in the borough.

This Council notes for information that rent control, of which the London Living Rent is a variant, has been described by Swedish economist Assar Lindbeck ‘as the most efficient technique presently known for destroying a city – apart from bombing.’

This Council therefore refers this motion to Cabinet with a recommendation that it commission a report from the Housing Department on the impact the London Living Rent would have on Harrow; specifically with regard to housing demand and supply.

This Council instructs the Chief Executive to write to Harrow’s 3 MPs and ask that they support the London Living Rent so that it becomes part of legislation.”

- (iii) Upon a vote, the amendment at (ii) was lost.
- (iv) Upon a further vote the substantive Motion at (i) was agreed.

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

197. MOTION - CARERS IN HARROW

- (i) At item 16(9) the Council received a Motion in the names of Councillors Margaret Davine and Victoria Silver in the following terms:

“This Council celebrates:

- The valuable role performed by over 2000 carers in Harrow, in the majority of cases without any financial help from the public purse.
- The contribution of Harrow Carers, Crossroads and other partners in the Voluntary Sector that provide support and services, commending the valuable work they do in supporting carers and in highlighting their needs.

This Council further congratulates:

Our Council officers, especially those in the Carers Teams, for their continued commitment to supporting carers, as the Council prepares to roll-out Personal Budgets for carers in April 2012 - also welcomes the initiative by Lincolnshire City Council, Plymouth City Council and others who have appointed a 'Carers Champion' with cross-cutting responsibilities, across all departments; and we call on Harrow Council to follow this excellent example and appoint a similar champion in Harrow to promote better respite, care, respect and access to innovative support services for all of our carers.”

- (ii) The Motion was agreed by general assent.

RESOLVED: That the substantive Motion be adopted.

198. MOTION - WHITCHURCH LEASE

In accordance with Rule 14.7, this Motion stood referred to the Executive.

199. MOTION - MAYOR OF LONDON

- (i) At item 16(11) the Council received a Motion in the names of Councillors Susan Hall and Barry Macleod-Cullinane in the following terms:

“This Council notes that, since the election of the present Mayor of London in 2008, he has delivered the following for Harrow and its residents:

- A frozen Mayoral precept for 3 years and a cut this year – following a 152% increase over the previous 8 years – saving Harrow households over £440.
- Over £2.5 of funding from the Outer London Fund to invest in the promotion and regeneration of Harrow Town Centre and North Harrow.
- 35 more police officers, 7 more PCSOs, and 72 more Special Constables, with the introduction of single police patrols leading to over 3,000 more patrols each year. The number of police across London as a whole has increased by 1,000, with Special Constables nearly doubling to almost 5,000.
- A 6% overall fall in crime, with 24% and 21% decreases in robberies and youth crime respectively.
- Nearly £1 million of Transport for London investment in Harrow's roads and pavements.
- The expansion and improvement of 12 bus routes, with 3 more added.
- The planting of over 500 new trees, which is more than in almost any other London borough.

This Council therefore instructs the Chief Executive to write to the Mayor of London and London Assembly to express our gratitude for his investment and continued interest in and support for Harrow.”

- (ii) Upon a vote, the Motion was not carried.

RESOLVED: That the Motion be not adopted.

200. MOTION - RAF NORTHOLT

- (i) At item 16(12) the Council received a Motion in the names of Councillors Bill Stephenson and Nana Asante in the following terms:

“This Council is appalled to learn from a leaked report in the Guardian newspaper (Wednesday, Jan 25) that ‘The Ministry of Defence is thinking of selling off one of its oldest and most internationally renowned airports, RAF Northolt, and that ‘... there have been high level talks in Whitehall about whether the airfield could even become a satellite for nearby Heathrow.’

This Council notes this is not the first time that this has been suggested and each time, it has been overwhelmingly rejected by local residents

for all the reasons for which the Government rejected the third runway at Heathrow Airport – noise, pollution and traffic congestion.

This Council believes that this ‘stealth’ expansion of Heathrow through the sale and redevelopment of RAF Northolt would be a disaster for residents in Harrow and across West London.

This Council calls on the Government to issue an immediate statement withdrawing this suggestion and instructs the Chief Executive to enlist the support of Harrow’s three MPs, the Brent and Harrow GLA member and other neighbouring local authorities, MPs and GLA members to oppose this catastrophic proposal.”

(ii) The Motion was agreed by general assent.

RESOLVED: That the substantive Motion be adopted.

201. MOTION - COUNCIL TAX

This Motion was withdrawn.

202. DECISIONS TAKEN UNDER URGENCY PROCEDURE - COUNCIL

The Director of Legal and Governance Services advised of an urgent decision taken in respect of a matter reserved to Council since the last meeting.

RESOLVED: That the decision taken under delegation by the Director of Legal and Governance Services, on behalf of Council, be noted.

203. PROCEDURE FOR TERMINATION OF MEETING

At 10.40 pm, upon the conclusion of the debate on items 8-11 and as agreed at Resolution 176, the Mayor advised that the guillotine procedure was in operation for the determination of the remaining business on the Summons. This was applied to the following Items:

Items	Reports
12	Core Strategy Adoption
13	Amendment to Harrow Council’s Licensing Policy to Include a Statement in Relation to the Olympics 2012
14	Pay Policy Statement 2012/13
15	Questions with Notice

Items	Reports
16(1)	Motion – Proposed Privatisation of London Fire Brigade Merton Control Room
16(2)	Motion – Council Tax
16(3)	Motion – Whitchurch Pavilion and Playing Fields
16(4)	Motion – HPCCG
16(5)	Motion – Fairtrade
16(6)	Motion – NHS
16(7)	Motion – Step Free Access to Stations
16(8)	Motion – London Living Rent
16(9)	Motion – Carers in Harrow
16(10)	Motion – Whitchurch Lease
16(11)	Motion – Mayor of London
16(12)	Motion – RAF Northolt
17	Decision Taken Under Urgency Procedure - Council.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 10.50 pm).

COUNCIL

16 FEBRUARY 2012

PUBLIC QUESTIONS (ITEM 6)

A period of up to 15 minutes is allowed for the asking of written questions by members of the public of a Member of the Executive or the Chairman of any Committee.

1.

Questioner: Jessica Lawrence

Asked of: Councillor Phillip O'Dell, Deputy Leader of the Council and Portfolio Holder for Environment and Community Safety

Question: "When is an investigation going to be undertaken regarding the expenditures of the arboricultural department and the manner in which payments are made to contractor Gristwood & Toms and an investigation into the dissatisfactory works they carry out in mismanaging the trees in the borough which in my neighbourhood of West means pollarding in an excessive and particularly unsightly manner"

Answer: Written answer as follows to be provided as questioner not present.

Gristwood and Toms are a respectable tree maintenance company who have worked for the London Borough of Harrow for a number of years and also hold maintenance contracts with other boroughs in West London. I see no particular reason to investigate the financial arrangements of this contract. However, by co-incidence the tree maintenance contract has been scheduled this year for a routine internal audit. Once completed the audit will contain recommendations that the Council will action according to our financial procedures.

2.

Questioner: Dennis Foxley on behalf of non-teaching staff from Cannon Lane Junior School

Asked of: Councillor Brian Gate, Portfolio Holder for Schools and Colleges

Question: "What consideration has the Council given to the detrimental impact the proposed changes to terms and conditions, (or reductions in salary) to non-teaching staff employed in schools,

would have on the education of children in Harrow schools?

Non-teaching staff have already suffered a pay freeze for 3 years whilst teachers have enjoyed annual increments. A further loss in salary would be divisive, resulting in a demoralised workforce and would erode support that is given to teachers. Without the commitment and goodwill of the non-teaching staff there would be a decline in the provision of high quality teaching and learning in Harrow schools.”

**Answer:
(Provided by
Cllr Henson,
Portfolio
Holder for
Performance,
Customer
Services and
Corporate
Services)**

Thank you for the question. It gives us an opportunity to explain more around the terms and conditions. As you will be aware, the economic climate remains very challenging and like all councils, Harrow has to deal with the Government’s public spending cuts at the same time as addressing an increasing demand for our services.

During 2012/13 and beyond, as shown in the Corporate Plan that is on the agenda tonight, the Council will need to continue to look for efficiency savings to meet the exacting financial targets set by Government. Indeed, as the extent of the cuts to public spending and the Government’s agenda for public service reform became clearer, it plainly showed that the Council is facing some big changes which required us to drive radical thinking about the future shape and size of the Council.

Harrow Council has been challenged to make £62m savings over four years which is equivalent to a third of our controllable budget and every part of the Council needs to contribute to the savings if we are to help protect frontline services.

In their autumn statement last year, the Government announced that there was likely to be a further two years of cuts requiring £10m per year of further savings to achieve in 2015/16.

In the past the Council has a record of being extremely effective in achieving savings for improved efficiencies without the need of extensive service cuts or large scale redundancies that many other councils have had to implement.

Meeting these challenges has involved some highly innovative work that has enabled us both to improve the services we offer and save money and I am proud of the transformation and modernisation that we are delivering across our services. We are also saving money through reducing our property costs, moving staff into the Civic Centre from other premises and reviewing and renegotiating all our contracts for supplies and services, but these measures alone will not achieve the necessary reductions in costs we need to make.

When we set the budget last March we agreed there had to be a

balance between changes to services and changes for staff. Staff costs are one of the Council's largest areas of expenditure, and therefore we have had to look at where we could make savings in our terms and conditions of employment. In considering options it is right that we also take the opportunity to modernise and improve what we offer as well as to save money. Many non-teaching staff would see a benefit from some of the options being considered. This contrasts with a number of other councils which have imposed blanket pay reductions for staff.

We value the contribution of all our staff and we recognise that the tough economic climate has affected all staff and for non-teaching staff the public sector pay freeze, which we now face for a third consecutive year and it is very difficult. We also value the significant contribution non-teaching staff make to the high standards of achievement in our schools.

Unlike most other councils who have implemented variations to terms and conditions of employment with the prime objective to reduce costs, we are taking a more balanced approach to modernising terms and conditions of employment so they effectively support the future needs of the Council, extend choice to individual employees in their employment package and simplify and reduce administration whilst at the same time, reducing employment costs. Indeed, the driving principles that have been set are to modernise, simplify, reduce costs and give greater choice.

Importantly, we recognise that schools' staff are employees of the Council and therefore it would be wrong for us not to consult them when we are considering changes to terms and conditions. Teachers are not being consulted because their terms and conditions are determined by the Government and not the Council.

However, the Council also recognises that the employment position is different for staff in schools. Therefore if, following consultation, the Council decides to offer new terms and conditions; the Council will recommend that schools also implement the new terms but ultimately that decision would be made by each school's Board of Governors.

Supplemental Question:

Non-teaching staff in schools do not enjoy the same terms, conditions and benefits as other Council staff (i.e. overtime, car allowance, flexi time and paid holidays). Why are they being grouped together with other Council workers? Non-teaching staff were excluded from all previous consultations on this matter; the staff survey in March 2011, briefings in August and September which we heard nothing about. Headteachers only informed staff in our school of the proposals in January 2012.

Supplemental Answer: The consultation, last year, was dealing with the Council staff and was looking forward to modernising terms and conditions. As we have now moved into a wider sphere, it is only right that we also consult with the non-teaching staff in schools as they too are employees of the Council. All staff should be encouraged to respond to the consultation so those views can be taken on board. At the end of the consultation a number of the options will be revisited and looked at. I will say that at the end of the day for the school staff, non-school staff, it is down to the actual school governing bodies whether they wish to bring those changes in, not the Council.

The Council make a recommendation one way or the other but some of the things that were looked at in the previous consultation, also looked at bringing people up to the London Living Wage which will affect people in schools. It will also look at increasing annual leave, around some of the terms that some people have, not all have annual leave, I appreciate that but some do and it would look at addressing some of those anomalies that are around parts of the Council. The consultation is going to be genuine and I would urge you to respond to it. We can always have discussions later, once the consultation is finished.

3.

Questioner: Jeremy Zeid

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: "What are the costs and revenue implications of Bailiff Incentives that have now come into practice and what is being done to monitor and regulate performance while also protecting those at the receiving end from ill-treatment and unreasonable charges?"

Answer: Firstly, I wish to clarify that we are in the process of tendering for bailiff services. The current contract that we have was set in place in October 2007 and the existing arrangements have not been changed, they are not new.

The existing contracts allowed for bailiff firms to pay back to the Council, on a voluntary basis, a percentage of the fees which they have collected from debtors. On the basis that this is already being done, a new tender will formalise this and make it a contractual obligation for a small percentage to be paid back to Harrow, which will provide an extra guaranteed income stream for the future.

The contract itself contains a section which asks contractors to

set out their fees for different actions and the level of those fees. Bailiffs will only be allowed, and I emphasise, will only be allowed, to charge these fees which have been agreed in the contract. Additionally the evaluation matrix for the contract weights fees more favourably the lower they are set, providing contractors with an incentive to keep them as low as possible.

We already have regular contract liaison meetings with our contractors and this will continue. More formal contract meetings are held quarterly as are meetings with the CAB which brings issues to us for our attention. This together with a complaints register which the bailiffs companies must hold under the contract, provides case studies and lessons for us to learn which are fed back into the process to improve operational efficiency whilst providing safeguards against vulnerable clients.

The contract lays down strict guidelines to ensure that all debtors are dealt with in a professional manner and in order to achieve this, the tender includes sections on customer care and the bailiff code of conduct which must both be met and adhered to.

We are aware that the recession will lead to increase indebtedness, increased unemployment, increased incidents of mental health problems, family breakdowns and increased incidents which may well bring more residents in contact with bailiffs. To counteract this and to ensure the right approach is provided by future contractors, officers will be setting up workshops with any new contractors to ensure extra safeguards are put in place as may be relevant.

It should also be noted that a recent Scrutiny report about indebtedness found that the Council's debt collection was very professionally run and we are looking to suggestions made in their report as to how we can deal with the most vulnerable people, particularly those with mental health problems.

Supplemental Question:

Bailiffs have been given enhanced powers under the last Government and I personally watch the action of some of these professionals (no identification, white van). I am aware of a person who ended up paying £850 for a £60 parking ticket. The bailiffs would not come back to release the clamp for a whole day. They were very threatening, extremely nasty people and had been licensed.

Now would you not agree that these strong arm tactics and charges are, in fact, a disgrace and the public cannot even get to Northampton to challenge these things in the clearance centre there? They are disproportionate and unjust. How many other Harrow residents have suffered this legal extortion, with menaces?

Supplemental Answer: As I indicated to you, I hope that you raised that case with us immediately. It sounds disgraceful, it should not happen and there are safeguards we put in place where bailiffs do not carry out their obligations that we deal with them very strictly. However if people do not report them and if we do not have the reports, we cannot deal with them, so I do not know whether you took it up. If you did not, you can get in touch with me.

4.

Questioner: Joan Penrose

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: “Five of the six users and carer members of the Mental Health Day Care Steering Group put questions to the 6th February Cabinet meeting complaining about the current consultation on mental health day services.

What are you going to do to address our many concerns which include:

1. Consultation questionnaire fails to ask stakeholders (users, carers and staff) what their needs are;
2. Consultation questionnaire fails to state what proposals for new day services actually are – except in the most general terms.”

Answer: I would like to say first that I am very committed, as is everyone in my department, to ensure that the mental health day service consultation results in the best possible services for people.

(Provided by Cllr Margaret Davine, Portfolio Holder for Adult Social Care, Health and Wellbeing)

You have raised two specific issues. The point about the questionnaire, it is concerned with the broad shape of the service. It is not concerned with the detailed service specifications, so it is not the right place to be discussing actual needs. It is about the framework and the shape of the service we will have after the consultation and we have received some really, really good feedback.

Last Thursday you asked to meet with the Leader and myself and we have arranged that meeting so we can discuss it there as well. We also agreed, because it was raised at the Cabinet meeting, that we will involve the Steering Group and other service users in the work to actually develop the service specification but that is not what this consultation is about at the moment. It is to get the people who use day services, views on the shape of the service they would like and that is the way, the

spirit, in which we are conducting it.

Supplemental Question: Speaking of the shape of the service, and thank you for that answer, the assumption in the consultation is that day services means day centres.

Now, some of you have heard of the service called "Confidence for Life". It is a new way of working with mental health service users and carers and this was mentioned many times by service users and carers in previous workshops and consultation events over the last few years. Yet, although this model of service is officially a day service, it is not mentioned anywhere as a possibility.

Stakeholders might have illuminating views on such an option for themselves were they to have a chance to consider it. We were hoping that the day centre review would encourage us to be part of a creative exercise in order to bring about much needed change. Could you look into that?

Supplemental Answer: I will look into that, I know a lot about "Confidence for Life". We are very keen to see that functioning in Harrow but, it is not what this consultation is about and you say that the consultation concentrates on day services in buildings, particularly to look and see if there is an appetite among our users to have maybe one Hub building and lots of other services out in the community to encourage and help and support mental health users.

So I will take that on board. It would have come up anyway at the point of doing the service specifications but, I certainly do not agree with you that we are concentrating just on buildings.

5.

Questioner: Ann Freeman

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: "Why does Harrow Council continue to refuse the request to investigate the neglect of people living in the units in Weldon Crescent, Greenhill Road, Field End Road and receiving Floating Housing Support from the Supporting People Service, over 10/11 years, that is prior to change to the new Provider, Richmond Fellowship? (The new service is gradually proving to be everything that a person with mental illness needs to feel at home and to be given confidence and skills to live independently)."

Answer:
(Provided by
Cllr Margaret
Davine,
Portfolio
Holder for
Adult Social
Care, Health
and
Wellbeing)

Well, first of all, I am pleased that you are happier with the improving service which is being provided by the Richmond Fellowship. We discussed this last Friday and you told me there that you were pleased from that point of view.

On your wider point, I am not refusing to look at the services prior to that and the very reason that the new tender was put out to Richmond Fellowship was that we were aware that there were problems in some of those units and that is why we tried to work with CNWL. We were not happy about that and so we put out the new tender to Richmond Fellowship. We do have monthly meetings with Richmond Fellowship and they have not raised any of those concerns but we will ask them.

What I refused to do was to have an independent inquiry which would be costly. The resources I have to use for mental health services and to improve mental health services, I am not willing to spend any of that on an independent inquiry. We will of course continue to ensure that Richmond Fellowship are improving the services, and try to put everything right that went on before but we are nearly one year on and I am very pleased that people are finding that the newer service is an improving and better one.

Supplemental
Question:

Are you, Councillors not uneasy that the neglect happened? That the Council's own quality assurance framework did not stop it happening? That the people, the same people, managers, care co-ordinators, community psychiatric nurses and psychiatrist who had overall charge of those vulnerable Harrow residents in those units and Floating Support, they have mental illness if you do not know, remain caring in our Harrow Adult Mental Health Service now?

Supplemental
Answer:

I was very concerned that the service at the beginning of last year was quite sub-standard. I have tried my best to address that and it is now improving. I have said to you that if you bring me particular instances, I will look into that but, I am not going to pay for an independent inquiry. I am not going to start any kind of witch hunt around people that were serving. We are looking to improve the services step by step as best as we can.

Following the publication of the Cabinet Decision Notice, minor drafting changes were made to the Model Tax Resolution. The amended version below is the Resolution for Council decision making purposes.

Model Council Tax Resolution

Harrow Council

Council Tax Resolution 2012-2013

Council is requested to determine the level of the Council Tax for 2012-2013 in the light of the information on the precept and make the calculations set out in the resolution shown below.

- (1) To note that at its meeting on 15 December 2011 Cabinet agreed the amount of 88,140 as its Council Tax Base for the year 2012-2013. [Item T in the formula in Section 31B of the Local Government Finance Act (LGFA) 1992, as amended (the "Act")].
- (2) That the following amounts be now calculated by the Council for the year 2012-2013, in accordance with Sections 31A, 31B and 34 to 36 of the Act:
- (i) Being the aggregate of the amounts which the Council estimates for items set out in Section 31A (2) (a) to (f) of the Act .
£582,789,314
 - (ii) Being the aggregate of the amounts which the Council estimates for items set out on Section 31A (3) (a) to (d) of the Act .
£409,676,096
 - (iii) Being the Council Tax Requirement for the year calculated in accordance with Section 31A (4) of the Act, namely the amount by which the aggregate at (2(i)) above exceeds the aggregate at (2(ii)) above.
£104,582,517
 - (iv) Being the basic amount of Council Tax for the year, being the Council Tax Requirement at (2(iii)) above, divided by the Council Tax Base set out at (1) above, in accordance with Section 31B(i) of the Act.
£1,186.55

(v) Valuation Bands

	A	B	C	D	E	F	G	H
£	791.03	922.87	1,054.71	1,186.55	1,450.23	1,713.90	1,977.58	2,373.10

Being the amounts given by multiplying the amount at (iv) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D excluding precepts from any other authority.

(3)

That it be noted that for 2012-2013 the Greater London Authority stated the following amount in precept issued to the Council, in accordance with section 40 of the Act, for each of the categories of dwellings shown below.

Valuation Bands

	A	B	C	D	E	F	G	H
£	204.48	238.56	272.64	306.72	374.88	443.04	511.20	613.44

(4)

Agree that the Council, in accordance with Sections 30 and 36 of the Act, hereby sets the aggregate amounts of Council Tax for 2012-13 for each part of its area and for each of the categories of dwellings as shown in the table below.

Valuation Bands

	A	B	C	D	E	F	G	H
£	995.51	1,161.43	1,327.35	1,493.27	1,825.11	2,156.95	2,488.78	2,986.54

(5) Determine for the purposes of section 52ZB and 52ZC of the Act that the Council's basic amount of Council Tax for 2012-13 is not excessive in accordance with the principles approved under section 52ZC of the Act.

HARROW COUNCIL
REVENUE BUDGET SUMMARY 2012-2013

	2011-2012 Original Budget £000	2012-2013 Original Budget £000
Local Demand - Borough Services		
Adults and Housing	67,508	66,431
Children's Services	40,852	39,475
Community and Environment	43,986	48,674
Place Shaping	4,382	3,547
Legal and Governance	3,566	3,379
Assistant Chief Executive	12,275	3,854
Corporate Finance	7,834	18,634
Transformation Programme	-389	-519
Total Directorate Budgets	180,014	183,475
Corporate items	2,213	148
Provisions for debt/litigation	325	425
Capital Financing adjustments	-4,463	-8,327
Council Tax Support Grant	-2,580	-2,608
Total Net Expenditure	175,509	173,113
Collection Fund Surplus b/f	-1,978	-1,335
Formula Grant	-70,126	-67,196
Local Demand on Collection Fund	103,405	104,582
Funds / Balances		
Balances Brought Forward	7,000	7,000
Adjustment to Balances	0	0
Balances Carried Forward	7,000	7,000
Council Tax for Band D Equivalent		
Harrow (£)	1,186.55	1,186.55
<u>Increase</u> Harrow (%)	0.00%	0.00%
Taxbase	87,148	88,140

HRA Budget 2012-13 and MTFS 2013-14 to 2014-15- Expenditure

	Budget 2012-13 (Feb 2011) £	Budget 2012-13 (latest) £	Budget 2013-14 (proposed) £	Budget 2014-15 (proposed) £
Operating Expenditure:				
Employee Costs	1,466,670	2,094,741	2,014,747	2,013,620
Supplies & Services	639,260	707,360	711,460	713,347
Utility cost (Water & Gas)	679,000	551,007	594,438	641,980
Estate & Sheltered Services	2,774,510	2,207,096	2,345,300	2,513,044
Central Recharges	3,088,770	3,345,714	3,412,628	3,480,880
Operating Expenditure	8,648,210	8,905,918	9,078,573	9,362,871
Repairs Expenditure:				
Repairs - Voids	636,410	689,250	730,000	700,000
Repairs - Responsive	2,744,430	2,436,612	2,578,289	2,747,751
Repairs – Other	2,091,140	2,365,521	2,341,412	2,367,105
Total Repairs Expenditure	5,471,980	5,491,383	5,649,701	5,814,856
Other Expenditure:				
Contingency - General	200,000	200,000	200,000	200,000
Investment in Services	0	900,000	1,400,000	1,300,000
Bad or Doubtful Debts	200,000	200,000	200,000	200,000
RCCO	0	0	440,372	1,979,800
Charges for Capital	2,770,420	6,420,024	6,397,124	6,349,444
Depreciation	4,148,000	5,991,190	6,111,000	6,233,200
HRA Subsidy	6,988,350	0	0	0
Total Other Expenditure	14,306,770	13,711,214	14,748,496	16,262,444
Total Expenditure	28,426,960	28,108,515	29,476,770	31,440,171

HRA Budget 2012-13 and MTFS 2013-14 to 2014-15 - Income

	Budget 2012-13 (Feb 2011) £	Budget 2012-13 (latest) £	Budget 2013- 14 (proposed) £	Budget 2014- 15 (proposed) £
Income				
Rent Income – Dwellings	-25,397,420	-26,205,980	-27,151,130	-28,129,310
Rent Income – Non Dwellings	-761,970	-684,491	-686,101	-687,706
Service Charges - Tenants	-665,540	-686,121	-703,203	-720,709
Service Charges – Leaseholders	-760,410	-548,550	-556,868	-565,589
Facility Charges (Water & Gas)	-517,320	-515,960	-526,279	-536,805
Interest	-6,120	-4,000	-4,000	-4,000
Other Income	-183,010	-83,000	-83,000	-83,000
Transfer from General Fund	-163,000	-163,000	-163,000	-163,000
Total Income	-28,454,790	-28,891,102	-29,873,581	-30,890,119
In Year Deficit / (Surplus)	-27,830	-782,587	-396,811	550,052
BALANCE brought forward	-2,681,730	-2,422,353	-3,204,940	-3,601,751
BALANCE carried forward	-2,709,560	-3,204,940	-3,601,751	-3,051,699

HRA Capital Programme

	2012-13 No. of properties	2011-12 £	2012-13 £	2013-14 £	2014-15 £
Capitalised salaries	-	310,000	310,000	317,750	326,000
Contingency	-	50,000	-	-	-
Major voids	30	50,000	75,000	76,870	78,800
Kitchens including rewiring	200 300	625,000 500,000	800,000 700,000	820,000 717,500	842,000 736,000
Bathroom including rewiring	1,000 100	625,000 500,000	500,000 250,000	512,500 256,250	525,000 263,000
Health & Safety programme	300 40	900,000 480,000	2,352,350 400,000	2,411,160 512,500	2,672,000 525,320
Gas heating programme	120 200	300,000 700,000	300,000 50,000	307,500 51,250	315,220 52,550
Enveloping programme	70	500,000	200,000	205,000	210,130
Door entry upgrade/renewal	5 7	25,000 -	25,000 50,000	25,630 51,250	26,300 52,530
Lifts	5	250,000	350,000	256,250	262,660
Digital TV aerials	120	250,000	275,000	281,880	288,920
Electric night storage heating	60 120	100,000 30,000	125,000 60,000	128,100 61,500	131,330 63,040
Water tank replacement	100	600,000	600,000	615,000	630,400
Sheltered warden voids	-	-	75,000	76,870	78,800
Structural issues / drainage	- 300	- -	- 1,500,000	256,240 -	262,000 -
Boiler replacement programme	-	(635,000)	-	-	-
Partial heating upgrade Garages Aids & Adaptations Capitalisation – response repairs Develop wider Housing initiatives Carried Forward Less : overprogramming					
Council Funded expenditure	3,175	6,160,000	8,997,350	7,941,000	8,342,000
Grant funded Extensions	3	200,000	200,000	-	-
Total HRA Capital Programme	3,175	6,360,000	9,197,350	7,941,000	8,342,000

LONDON BOROUGH OF HARROW

COUNCIL

16 FEBRUARY 2012

QUESTIONS WITH NOTICE (ITEM 11)

Fifteen minutes will be allowed for Members of the Council to ask a Portfolio Holder a question on any matter in relation to which the Executive has powers or duties.

1.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Bob Currie (Portfolio Holder for Housing)

Question: With the small fall in RPI inflation since the government's rent determination, will the Council pass on this fall to tenants terms of its rent demands for 2012/13?

Answer: I admire your thirst for education as this is the identical question which you asked me at last weeks Cabinet. I have no reason to change what is in my written answer to you in reply to this same question. I hope you will not find it too confusing.
(answered by Cllr Bill Stephenson)

As you will be aware the Government has a fixed formula for determining the maximum rents to bring about 'convergence' as laid out in the February Cabinet papers. It is RPI (in September) + .5% + £2. RPI in September 2011 was 5.6% and this gives an average rent increase of 6.74% and average increase of £6.45 to £102.15 a week. The lower rate of RPI is therefore irrelevant.

Consultation with TLRCF took place on 30th January 2012. Tenants accepted the increase but had concerns regarding the ability to pay rents following benefit reforms. The additional resources freed up by the Housing Finance reforms will enable investment in services, subject to further consultation, some of which are expected to be targeted to support those most affected by the wider welfare reforms.

The Council has just passed the budget in any case where the rents have been set as above as determined by the Government.

2.

Questioner: Councillor Susan Hall

Asked of: Councillor Phillip O'Dell (Deputy Leader and Portfolio Holder for Environment and Community Safety)

Question: "Your administration reduced police numbers by cutting the Council-funded team. Why did you not use this budget as an opportunity to correct said cut and both restore and increase the size of the team, thanks to the 2-for-1 offer from the Metropolitan Police?"

Answer: The good work which the Council-funded Police team is recognised by everyone. This administration is fully committed to providing appropriate and affordable support to the Police as our leading partner in crime reduction. However, as we must all also recognise, the Council's financial position has changed radically since the original agreement was signed which I wish to remind Cabinet members that Cllr. Hall for got to renew. We were therefore able to take advantage of the "2-for-1" funding scheme that has been welcomed as it has allowed us to continue to provide significant of support to the Police in the face of our current circumstances which I know they value. The number of officers provided was determined in consultation with the Police Borough Commander, as were the operational objectives that underpin the new agreement. I remain satisfied that this arrangement offers a sustainable solution which benefits both the Police and our community at large.

3.

Questioner: Councillor Paul Osborn

Asked of: Councillor Bill Stephenson (Leader of the Council and Portfolio Holder for Finance and Business Transformation)

Question: "Why have you not extended to us the same courtesy I always extended to you to ensure you were always briefed on business cases before they were passed and why, in relation to the Mobile and Flexible Working, did the Corporate Director move the arranged briefing to 22nd February on the basis it wouldn't go to Cabinet until March?"

Answer: I am sure you will recall that under your administration the Business Transformation Panel did not meet regularly and you introduced an irregular ad-hoc arrangement.
(answered by Cllr Graham Henson)

I assume that your question regarding business cases, relates solely to the transformation programme Mobile and Flexible Working Project, as you have not advised me of any concerns

regarding the many and various business cases that are produced by officers, as part of our normal business as usual processes.

Unfortunately the Mobile and Flexible Working Project Manager, is on leave this week, so I do not have access to all of the information which I would liked to have used, to respond to this question.

As we all know the Mobile and Flexible Working Project has been ongoing for some considerable time. I have been advised by the Project Manager, that he has maintained good communications with regard to this project and I know you met with him on 17 October 2011, where you also discussed the experience of Mobile and Flexible working at another Council. The subject matter alone suggests to me, that wide ranging dialogue was well established. I have been given to understand that Members within your Group have made a really positive contribution to the development of the project through contact with the Project Manager.

I am therefore really disappointed that you are suggesting that we have not sought to involve your Group in this Project, that is a key building block for a modernised Council, and the success of which, is crucial to the transformation of the Council's business.

The Forward Plan documents, issued from November 2011 to February 2012, have all shown the Mobile and Flexible Working Project, as being presented at Cabinet on 9 February 2012.

I accept that there was discussion with Officers, which considered presenting the Mobile and Flexible Working Project at March 2012 Cabinet. However, this was never agreed, as it was in my considered opinion, essential that the project report was presented at Cabinet, at the same meeting at which we agreed the budget, revenue and capital.

I am aware that Scrutiny Officers were asked to arrange a briefing meeting to discuss Mobile and Flexible Working. I understand that you asked to participate in this meeting and that the Project Manager immediately agreed to this request.

The meeting was originally scheduled for Tuesday 24 January, to follow a discussion involving Councillors Anderson and Wright, and Place Shaping Officers, on another matter. However the meeting had to be rescheduled, as the Project Manager was unable to make the agreed date.

Scrutiny Officers coordinated the revised arrangements, with Wednesday 22 February being agreed. I was unable to make

the other date proposed of 29 February.

The arrangements for the meeting were coordinated by Scrutiny Officers and the Corporate Director, Place Shaping, had no involvement whatsoever, in directing or influencing the date and timing of the meeting. I am sure that if you had asked for a briefing, once you had received last week's Cabinet agenda that this would have been provided without hesitation.

As I have already said, the Mobile and Flexible Working Project is crucial to the development of the Council's business. More importantly it is crucial to the development of the services, which we provide to our customers, the residents and businesses of Harrow.

I really do hope that Councillor Wright will continue to work closely with Councillor Bill Philips and I because their knowledge and expertise in particular, is highly valued, and Paul I would welcome your positive support and assistance, and would enjoy the opportunity to work cross party to deliver a successful outcome for this project.

At this stage we have agreed the budget resources necessary to enable the implementation of our Mobile and Flexible Working Project. This decision has been made subsequent to careful and comprehensive evaluation of available technology, but more importantly the experiences of other organisations, in particular other Councils.

Following tonight's decision in respect of the revenue and capital budgets, we are now ready to initiate our project, and I am very keen that from the outset, that we work in a transparent and collaborative way, utilising all available expertise.

So, not only do I want to act courteously, by ensuring that you have access to information, much more importantly, I hope that you will feel able to work positively and closely, with me, so that together, we can ensure the success of this project.

We are both scheduled to attend the Scrutiny meeting next Wednesday 22 February, and we can agree at that meeting arrangements for the way forward.

4.

Questioner: Councillor Kam Chana

Asked of: Councillor Margaret Davine (Portfolio Holder for Adult Social Care, Health and Wellbeing)

Question: It was reported this week that the majority of people in Lambeth who receive Discretionary Disabled Freedom Passes will lose them as a result of new eligibility criteria. Can you confirm both the number and the proportion of recipients in Harrow who will lose their Discretionary Passes as a result of your administration's new eligibility criteria – introduced last October?

Answer:
(Answered by Cllr Bill Stephenson) When we came to power we found that concessionary travel passes were in a mess. There was little or no consistency as to who got a pass and who did not. These decisions were often taken on the basis of doctors' letters contrary to the very strong advice of the Department of Transport. As part of the major Adult Social care consultation we came up with a set of clear criteria for the award of Discretionary Freedom Passes to ensure that anyone with a major disability physical or mental would quite rightly be eligible for such a pass. We did this only after consulting our users and stakeholder organisations such as HAD, CAB, MIND, AGE UK etc for almost a year and involving them in the drafting of the new policy and associated criteria.

We also introduced rigorous consistent tests along those already in place for the issue of Taxicards to ensure that everyone is treated fairly with an independent appeals system.

Our Discretionary Freedom Pass numbers were by far the highest in London at around 1888. Only two other councils award DFPs to over a thousand. Whereas our neighbouring councils Barnet (0), Ealing (9), Hillingdon (2), Hounslow (3) offer less than ten each and 14 overall

Undoubtedly some residents who previously had a Discretionary Freedom Pass will no longer be eligible for one under the new eligibility criteria. In order to ensure that anyone in this position will have plenty of time to make alternative arrangements, we have implemented an 18 month notice period which in effect means that no one will lose their current Discretionary Freedom Pass until March 31 2013. We will send out several reminders starting in May to ensure those affected are reminded to plan for the change.

We believe that by changing the policy we now have a very fair and equitable system which ensures we make the best use of resources to help the most vulnerable. We will keep the matter under continuous review.

5.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Mitzi Green (Portfolio Holder for Children's Services)

Question: "The funding for Children's Centres is to be cut by £1 million over the next two years. How have you assured that those residents who rely on the services the Centres provide most of all will not be affected by these cuts?"

Answer: We have already protected the Children's Centres for use by those residents who rely on the services by keeping them open after having to make £1.2million in cuts.

In considering how best this could be done to ensure maximum protection for those residents who rely on the services provided, a major staff, partner and user survey was undertaken, a full report of which was presented to Cabinet in December.

This independent report concluded that parents (97%), partners and staff 'all valued the Children's Centres highly'.

Over three quarters of parents said that they appreciated 'the helpful and welcoming staff' and were positive about the benefits of the co-locating of complimentary services.

Also covered by the survey were a number of focus groups, where there was the opportunity to offer suggestions as to how the Centres could be developed in the future.

Suggestions included, 'widening the age range to provide services for more children' and encouraging 'youth clubs, voluntary organisations and local groups of residents to use the centres'.

51% of parents 'supported charging for some services' and 70% were positive about the principle of parents 'getting involved in helping run services or volunteering themselves'.

In their conclusion the researchers stated that 'Harrow Children's Centres are a vital resource within the community ... and should not close'.

It is within this context that a staff consultation is now underway, looking at achieving 'a sustainable future for our Children's Centres' by introducing a hub and spoke operating model.

This should enable all 16 centres to remain open.

The detail of the model was also presented to the December

Cabinet.

It consists of four main hubs with linked delivery points.

- Four hub managers would be appointed (under the Council's Protocol for Managing Change) and some standardised job descriptions would be developed to increase flexibility and movement across the network.
- The hubs arrangement takes into account geographical location, size and usage of the existing centres and the nature of services currently provided.
- Duplication would be reduced and centres would open as and when needed - either longer or shorter hours than may currently be the case.

In addition to the financial and political imperatives, we have seen in recent years significant demographic changes locally and a raising of the standards necessary to meet Ofsted expectations of 'good' or 'outstanding' for the Centres.

The proposed model would allow us to target staff and resources at those areas where they are most needed and focus on those children, families and young people in the most vulnerable groups. This in turn will lead to improved performance and outcomes, particularly at the end of the Early Years Foundation Stage.

In short, the proposal agreed by Cabinet, with any additions arising from the staff /union consultation (closing on Friday 24 February), will:

- Achieve the required savings.
- Sustain the 16 delivery sites.
- Provide a more effective and efficient model of service delivery.
- Ensure users get more of what they want.

Finally, as part of the new Quality Assurance, Commissioning and Schools Division within Children's Services, there will be an opportunity to increase the frequency of user monitoring and engagement. This will enable us to gauge the impact of the changes and further adapt as the local or national environment requires.

6.

Questioner: Councillor Susan Hall

Asked of: Councillor Bill Stephenson (Leader of the Council and Portfolio Holder for Finance and Business Transformation)

Question: “Harrow has the highest average number of people per house in the whole of London. This is because we have solid communities with families sharing homes. Families need houses not flats. In the last 12 months the Council has approved over 400 flats but only just over 100 houses. The Council's own Annual Monitoring Report boasts that they have built “well above the target densities” - cramming people into densely built flats. As Chairman of the Major Developments Panel, why is your administration undermining the structures of family homes and open spaces that underpin much of what is best about Harrow?”

Answer: The Annual Monitoring report 2010/11 provides a summary of the decisions of the Planning Service and activities of the development industry in Harrow over the year. The report shows that during the year, 462 flats and 115 houses were completed. Of these a total of 142 provided 3 bedrooms or above with only 30 units as studio apartments.

**(Answered by
Cllr Keith
Ferry)**

Harrow has a range of housing needs, including large homes for families and smaller flats and apartments for young people starting out on their own and older residents seeking to downsize from larger family homes. The Planning Service and Housing Departments together work to negotiate with developers to secure the best the mix of unit sizes and tenure, having regard to the site location, design considerations, affordability, the Boroughs overall housing needs and commercial viability.

Alongside the adopted and emerging planning policies and the Council's housing strategy, the market is also beginning to respond to the changing pattern of demand in the Borough. By way of an example, I point to the recent application by Berkeley Homes in Stanmore – to seek to increase the number of larger flats and to remove entirely and reduce by more than half the number of studio and one bedroom apartments still to be built whilst increasing the number of 2 and 3 bedroom flats by 31 and 45 respectively. These proposed changes were welcomed and supported by the Planning Committee at their meeting in January this year.

The report also records average density of development over each year from 2002/3 onwards. In this regard I am pleased that as a result of an increasingly robust dialogue with

developers and reflecting the aspirations of the community at large, the report shows a significant fall in average density from 613 Habitable Rooms per Hectare in 2009/10, to 404 in 2010/11 for schemes of 10 + units. This figure does reflect a more dispersed pattern of new housing built at appropriate densities across the Borough but illustrates how officers and the Administration, are trying to manage growth needs alongside safeguarding the special character of the Borough.

The Council is also, I hope, adopting tonight a Core Strategy, that provides not only a long term vision for the Borough, but a clear roadmap for development to meet the Boroughs housing needs to 2026. The Council has been able to achieve this whilst safeguarding the green belt, residential gardens and open spaces from development.

7.

Questioner: Councillor Paul Osborn

Asked of: Councillor Bill Stephenson (Leader of the Council and Portfolio Holder for Finance and Business Transformation)

Question: "In the last 12 months Harrow was the worst borough in West London in terms of job creation, and self employment dropped in the last 12 months to the lowest level since 2004. What is your administration doing to help this situation?"

Answer: Although there does appear to be a reduction in the levels of self employment in Harrow, this should be taken in context of the overall levels of Economically Active residents in the Borough and the levels of Employment of Economically Active residents - all of which are the highest of all the West London boroughs. In addition Harrow has the lowest levels of benefit claimants as a proportion of residents seeking work.

(Answered by Cllr Keith Ferry)

Based on figures from the Office for National Statistics, in Harrow, I am really pleased to be able to report, that the number of vacancies has almost doubled from 437 in December 2010 to 923 in December 2011

In comparison to the other West London Boroughs, the ratio between the number of Job Seekers Allowance claimants and unfilled vacancies, show that Harrow has the third lowest level in West London.

Unfortunately the figures from the Office for National Statistics do also show that the level of self employment amongst 16 to 64 year olds has decreased from a peak of 12.3% in 2006/7 to 9.6 in 2010/11.

Although the levels for self employment and job creation have dropped, it should be noted that Harrow:

- has the highest levels of economically active residents in West London;
- has the highest proportion of economically active people in employment in West London;
- and, has the lowest levels of benefit claimants as a proportion of residents seeking work in West London.

What is the Council doing to address employment levels?

Given that employment levels in Harrow are linked to the wider London economy, the Council has a target of maintaining the differential between the JSA claimant levels in Harrow and those of London.

The Council is working on a number of projects to meet this target including:

- helping residents find employment through the Xcite project and the Construction Training Initiative, with over 85 people into work this financial year;
- holding Xcite employment fairs, attended by local business and training providers and regularly attracting over 550 members of the public;
- adopting an Apprenticeship Policy and promoting the launch of the Apprenticeship scheme to promote employment and training opportunities within the Council and the Council supply chain;
- working with the Job Centre to promote the national Enterprise Clubs scheme;
- supporting Harrow in Business to help start up and grow existing businesses through the Transition Fund;
- supporting Reed's DWP ESF Families programme to help people with intergenerational unemployment;
- promoting Reed's Futures programme working with 16 - 19 year olds Not in Education Employment or Training.

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COUNCIL (ANNUAL) MINUTES

22 MAY 2012

Present:

- * Councillor Mrinal Choudhury (The Worshipful the Mayor)
- * Councillor Nizam Ismail (The Deputy Mayor)

Councillors:

* Husain Akhtar	* Mrs Vina Mithani
* Sue Anderson	* Amir Moshenson
* Nana Asante	* Chris Mote
* Marilyn Ashton	* Janet Mote
* Mrs Camilla Bath	* John Nickolay
* Christine Bednell	* Joyce Nickolay
* James Bond	* Christopher Noyce
* Mrs Lurline Champagnie OBE	* Phillip O'Dell
* Kam Chana	* Asad Omar
* Ramji Chauhan	* Paul Osborn
* Bob Currie	* Varsha Parmar
* Margaret Davine	* David Perry
* Mano Dharmarajah	* Bill Phillips
* Tony Ferrari	* Raj Ray
* Keith Ferry	* Richard Romain
* Ann Gate	* Anthony Seymour
* Brian Gate	* Lynda Seymour
* David Gawn	* Navin Shah
* Stephen Greek	* Mrs Rekha Shah
* Mitzi Green	* Sachin Shah
* Susan Hall	* Stanley Sheinwald
* Graham Henson	* Victoria Silver
* Thaya Idaikkadar	* Bill Stephenson
* Krishna James	* William Stoodley
* Manji Kara	* Krishna Suresh
* Zarina Khalid	* Sasi Suresh
* Jean Lammiman	* Yogesh Teli
* Barry Macleod-Cullinane	* Ben Wealthy
* Kairul Kareema Marikar	* Simon Williams
* Ajay Maru	* Stephen Wright
* Jerry Miles	

* Denotes Member present

PRAYERS

The meeting opened with Prayers offered by Mr Srutidharma Das.

204. ELECTION OF MAYOR

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

Councillor Bill Stephenson nominated and Councillor Graham Henson seconded that **COUNCILLOR NIZAM ISMAIL** be elected Mayor for the Municipal Year 2012/13.

Councillors Susan Hall, Thaya Idaikkadar, Zarina Khalid, John Nickolay and Chris Noyce also spoke in support of the nomination.

There being no other nominations, the Mayor put the nomination of Councillor Nizam Ismail to the meeting.

RESOLVED: That Councillor Nizam Ismail be elected Mayor of the London Borough of Harrow for the Municipal Year 2012/13.

205. INSTALLATION OF NEWLY APPOINTED MAYOR

The retiring Mayor, Councillor Mrinal Choudhury, 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 Mayor, Councillor Nizam Ismail, announced that his Mayoress would be his wife, Mrs Zahafaran Ismail.

The Mayoress, Mrs Zahafaran Ismail, was then invested with her Medallion of Office.

The Mayor, Councillor Nizam Ismail, returned thanks for his election.

206. VOTE OF THANKS TO RETIRING MAYOR

Councillor Navin Shah formally moved a vote of thanks to the retiring Mayor, Councillor Mrinal Choudhury, which was seconded by Councillor David Perry.

Councillors Sue Anderson, Camilla Bath, Margaret Davine, Jean Lammiman, Vina Mithani and Chris Noyce endorsed the vote of thanks.

RESOLVED: That the Council place on record its unanimous appreciation and sincere thanks to Councillor Mrinal Choudhury for his year of office as Mayor of the London Borough of Harrow for 2011/12.

207. EXPRESSION OF THANKS BY IMMEDIATE PAST MAYOR

Councillor Mrinal Choudhury congratulated the incoming Mayor, Councillor Nizam Ismail, on his appointment and thanked Members of Council for their kind words.

In recalling his Mayoral Year, Councillor Choudhury, advised that he had undertaken 584 engagements during his Mayoral year. The Deputy Mayor had undertaken 88 events and the Honorary Alderman 56 engagements.

Councillor Choudhury registered his sincere thanks and appreciation to the Chief Executive and all members of staff particularly the Mayoral and Democratic Services Teams for their hard work during his year in office.

Councillor Choudhury reflected that he had the opportunity to attend a number of different religious and community institutions which he had enjoyed immensely. These had included attending, synagogues, churches, temples, mosques. Councillor Choudhury commented that he had been humbled by meeting residents who had reached the age of 100 years and on the proud occasion of meeting Sir Richard Attenborough as part of the Queen's Diamond Jubilee celebrations.

Councillor Choudhury also commented that other highlights of his Mayoral Year included meeting the Archbishop of Westminster, conferring the Honorary Freedom of the Borough on Sir Paul Nurse and the good work he had been involved in with Harrow in Europe on building cultural links.

He thanked the Members of Council and the people of the Borough for granting him the privilege of serving as Mayor. He also thanked his fellow Edgware Ward Councillors for their additional support in the constituency during his Mayoral Year.

Finally, Councillor Choudhury thanked his Chaplain and his wife for the support that they had provided him.

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

208. PRESENTATION OF MEDALLION TO THE IMMEDIATE PAST MAYOR

The Mayor, Councillor Nizam Ismail, on behalf of the Council presented a replica of the Mayor's Medallion to Councillor Mrinal Choudhury in commemoration of his Mayoralty of the Borough 2011/12.

The Mayoress, Mrs Zahafaran Ismail, presented to the immediate past Mayoress, Mrs Rama Choudhury, a Medallion to commemorate her year as Mayoress of the Borough 2011/12.

209. ELECTION AND INVESTITURE OF DEPUTY MAYOR

The Mayor called formally for nominations for Deputy Mayor of the London Borough of Harrow for the ensuing Municipal Year.

Councillor Asad Omar nominated and Councillor Margaret Davine seconded that **COUNCILLOR NANA ASANTE** be elected Deputy Mayor for the Municipal Year 2012/13.

There being no other nominations, the Mayor put the nomination of Councillor Nana Asante to the meeting.

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, **Mrs Zahafaran Ismail**, then invested the Deputy Mayoress, **Ms Awula Serwah**, with her Medallion of Office.

The Deputy Mayor, Councillor Nana Asante, then returned thanks.

RESOLVED: That Councillor Nana Asante be elected Deputy Mayor of the London Borough of Harrow for the Municipal Year 2012/13.

210. APPOINTMENT OF CHAPLAIN

The Mayor confirmed to Council that he had appointed **Imam Anas Mohamed** as his religious representative for his Mayoral Year.

211. CIVIC FUNCTIONS

Council received tabled notification of forthcoming events for the Year. The Mayor also nominated Age UK Harrow as his special appeal for the Municipal Year 2012/13.

RESOLVED: That the dates of the following Civic Functions be noted:

Civic Service at St Mary's Church	Sun 24 June 2012 (10.30 am)
Armed Forces/Veterans Flag Raising Ceremony	Mon 25 June 2012 (10.30 am)
Battle of Britain Thanksgiving Service	(Date to be confirmed)
Remembrance Day Parade and Service	Sun 11 November 2012 (10.15 am)
Mayoress's Committee Ball	Sat 17 November 2012 (7.00 pm)

212. EXTRAORDINARY COUNCIL

RESOLVED: To note that an Extraordinary Meeting of Council would be held on Thursday 24 May 2012.

213. DATES OF COUNCIL MEETINGS 2012/13

RESOLVED: That the following dates for meetings of the Council in the Municipal Year 2012/13 be confirmed:

Thursday 5 July 2012

Thursday 8 November 2012

Thursday 21 February 2013 (Council Tax Meeting)

Thursday 18 April 2013

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 8.51 pm).

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COUNCIL (EXTRAORDINARY)

MINUTES

24 MAY 2012

- Present:**
- * Councillor Nizam Ismail (The Worshipful the Mayor)
 - * Councillor Nana Asante (The Deputy Mayor)
- Councillors:**
- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> * Husain Akhtar * Sue Anderson * Marilyn Ashton * Mrs Camilla Bath * Christine Bednell * James Bond * Mrs Lurline Champagnie OBE * Kam Chana * Ramji Chauhan * Mrinal Choudhury * Bob Currie * Margaret Davine * Mano Dharmarajah * Tony Ferrari * Keith Ferry * Ann Gate * Brian Gate * David Gawn * Stephen Greek * Mitzi Green * Susan Hall * Graham Henson * Thaya Idaikkadar * Krishna James * Manji Kara Zarina Khalid * Jean Lammiman * Barry Macleod-Cullinane * Kairul Kareema Marikar * Ajay Maru * Jerry Miles | <ul style="list-style-type: none"> Mrs Vina Mithani * Amir Moshenson * Chris Mote * Janet Mote * John Nickolay * Joyce Nickolay * Christopher Noyce * Phillip O'Dell * Asad Omar * Paul Osborn * Varsha Parmar * David Perry * Bill Phillips * Raj Ray * Richard Romain * Anthony Seymour Lynda Seymour * Navin Shah Mrs Rekha Shah * Sachin Shah Stanley Sheinwald * Victoria Silver * Bill Stephenson * William Stoodley * Krishna Suresh * Sasi Suresh * Yogesh Teli * Ben Wealthy * Simon Williams * Stephen Wright |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

* Denotes Member present

PRAYERS

The meeting opened with Prayers offered by Imam Anas Mohamed.

210. DECLARATIONS OF INTEREST

There were no declarations.

211. CABINET AND COMMITTEE MEMBERSHIPS

- (i) Further to item 2 on the Summons, the Leader of the Council (Councillor Bill Stephenson) confirmed his Deputy Leader and the membership of the Cabinet and respective Portfolios as:

Name of Portfolio	Cabinet Member	Ward
Leader , Business Transformation and Communications	Councillor Bill Stephenson	Headstone South
Deputy Leader , Property & Major Contracts	Councillor Thaya Idaikkadar	Roxeth
Adults Social Care, Health and Well-Being	Councillor Margaret Davine	Edgware
Children, Schools and Families	Councillor Brian Gate	West Harrow
Community & Cultural Services	Councillor David Perry	Marlborough
Environment & Community Safety	Councillor Phillip O'Dell	Wealdstone
Finance	Councillor Sachin Shah	Queensbury
Housing	Councillor Bob Currie	Roxbourne
Performance, Customer Services and Corporate Services	Councillor Graham Henson	Roxbourne
Planning and Regeneration	Councillor Keith Ferry	Wealdstone

- (ii) The Council received confirmation, in the Supplementary Summons, of the nominations by the Political Groups to places on Committees of the Council in accordance with proportional entitlements.

- (iii) Upon a vote, the substantive recommendations were adopted.

RESOLVED: That

- (i) It be noted Councillor Thaya Idaikkadar was the Deputy Leader of the Council;
- (ii) the membership of the Executive (Cabinet), allocation of Portfolios to Executive Members for 2012/13, together with the Terms of Reference of the Cabinet and the delegations to Portfolio Holders be noted;
- (iii) the Committees of the Council be determined in accord with the “political balance” rules in the Local Government and Housing Act 1989 and established with the memberships now agreed for the Municipal Year 2012/13, as detailed at Appendix I to these minutes;
- (iv) the terms of reference of the above Committees, as set out in Appendix I be agreed;
- (v) a report on the future of Standards Committee and the Councillor Code of Conduct be submitted to Council on 5 July 2012.

212. APPOINTMENT OF CHAIRMEN TO COMMITTEES

- (i) Within the supplemental Summons, the Council received a proposal from the Leader of the Council as to the appointment of Chairmen to Committees of the Council for the Municipal Year 2012/13.
- (ii) Upon a vote, the substantive proposal was adopted.

RESOLVED: That the following Chairmen of Committees be appointed for the Municipal Year 2012/13:

Governance, Audit & Risk Management Committee	Councillor Bill Phillips
Licensing & General Purposes Committee	Councillor Mano Dharmarajah
Overview & Scrutiny Committee	Councillor Jerry Miles
Planning Committee	Councillor Keith Ferry

213. "SHAPING A HEALTHIER FUTURE FOR NORTH WEST LONDON" - JOINT OVERVIEW AND SCRUTINY COMMITTEE

- (i) Further to Item 4 on the Summons, the Council considered the recommendation of Overview and Scrutiny Committee held on 3 April 2012 with regard to the establishment of a Joint Overview and Scrutiny Committee (JOSC) for the Municipal Year 2012/13, in relation to the consultation “Shaping a Healthier Future for North West London”.

- (ii) It was further noted that following the meeting of Overview and Scrutiny Committee the shadow JOSC had recommended further amendments to the Council in relation to its Terms of Reference and membership.

RESOLVED: That

- (1) the proposals for a Joint Overview and Scrutiny Committee (JOSC) for the consideration of the “Shaping a Healthier Future for North West London Programme” be noted;**
- (2) Harrow’s participation in the JOSC be confirmed and authority delegated to the Overview and Scrutiny Committee with regard to the appointment of councillors to the JOSC and to determine membership and issues related to it, subject to the additional minor amendments submitted to Council;**
- (3) the Chair of Overview and Scrutiny Committee write, in conjunction with the other seven London Boroughs, to seek financial assistance for the JOSC process from NHS North West London to enable procurement of the administrative and policy support to the Committee;**
- (4) with regard to future appointments to pan-London Joint Committees where these impact upon Scrutiny, this process be delegated permanently to the Overview and Scrutiny Committee.**

214. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

- (i) Item 5 on the Summons provided for the receipt of proposals from the Political Groups as to the appointment of representatives of the Authority to serve on Outside Bodies for the Municipal Year 2012/13. The nominations of the Groups were notified in the Supplementary Summons and Tabled document.
- (ii) Upon a vote, the substantive proposal at was adopted.

RESOLVED: That the Outside Body appointments for the Municipal Year 2012/13 be approved, as set out Appendix II to these minutes.

Minute Appendix I - Committee Memberships - May 2012

Minute Appendix II - Outside Bodies appts 2012-13

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 7.45 pm).

(MAY 2012)**LONDON BOROUGH OF HARROW COMMITTEE MEMBERSHIPS 2012/13**

(Membership in order of political group nominations)

(I) GOVERNANCE, AUDIT & RISK MANAGEMENT COMMITTEE (7)**Labour****Conservative****(4)****(3)****I.
Members****Susan Anderson
Mano Dharmarajah
Bill Phillips (CH)
Victoria Silver****Amir Moshenson
Chris Mote
Richard Romain *****II.
Reserve
Members****1. Ben Wealthy
2. Ajay Maru
3. Krishna Suresh
4. Varsha Parmar****1. Tony Ferrari
2. Stephen Wright
3. Anthony Seymour****(CH)****= Chair*********Denotes Group Members for consultation on Delegated Action and/or administrative matters.**

The Governance Audit and Risk Management Committee has the following powers and duties:

- a) To ensure that the Council's governance framework is in line with current guidance and best practice
- b) To review the Council's governance framework and annual improvement plan and monitor progress
- c) To review the Council's risk management strategy and monitor progress on risk management
- d) To monitor the Council's insurance arrangements
- e) To review the Council's emergency planning and business continuity arrangements and monitor progress on emergency planning and business continuity

- f) To review the Council's Health and Safety arrangements and monitor progress on Health and Safety
- g) To approve the financial statements of the authority, in particular:
 - The outcome of reviews of the effectiveness of the internal control arrangements including internal audit
 - Changes in and compliance with accounting policies and practices
 - Unadjusted mis-statements in the financial statements
 - Major judgemental areas
 - Significant adjustments resulting from the audit
 - Any relevant issues raised in the external auditor's report to those charged with governance
 - the Annual Governance Statement prior to sign-off
- h) To review the Treasury Management strategy and monitor progress on treasury management in accordance with CIPFA codes of practice
- i) To monitor compliance with internal controls
- j) To consider matters arising from External Audit work which are required to be communicated to those charged with governance under the Statement of Auditing Standards (ISA260)
- k) To receive and consider the Annual Audit and Inspection Letter (or equivalent) and make recommendations as appropriate
- l) To scrutinise/comment on the Internal Audit three year strategic plan and annual plan
- m) To monitor progress against the Internal Audit plan and receive summaries of audit work completed and key recommendations
- n) To consider all individual Internal Audit reports on a regular basis
- o) To scrutinise/comment on the External Audit plan and fees
- p) To monitor progress against the External Audit plan and receive summaries of audit work completed and key recommendations
- q) To consider individual External Audit reports and inspection reports carried out by external agencies as appropriate and at the request of the Committee.
- r) To review the management response to audit and regulatory recommendations and progress on implementation of recommendations

- s) To recommend action where audit and regulatory recommendations are not being implemented
- t) To monitor on a regular basis the Council's approach to tackling fraud and corruption and promote an anti-fraud culture
- u) To consider the appointment of co-opted members and review the adequacy of meeting frequencies in response to the Committee's remit
- v) To appoint and maintain appropriate Lead Members from the Committee to monitor, review and update on specific areas of the Committee's remit.

(II) PLANNING COMMITTEE (7)

Labour

Conservative

(4)

(3)

I. Members

**Mrinal Choudhury
Keith Ferry (CH)
Bill Phillips
William Stoodley**

**Stephen Greek
Joyce Nickolay *
Anthony Seymour**

II. Reserve Members

1. Graham Henson
2. Ajay Maru
3. Sachin Shah
4. Jerry Miles

1. Simon Williams
2. Manji Kara
3. Amir Moshenson

(CH)

= Chair

*

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

The Planning Committee has the following powers and duties:

1. To exercise the functions of the council as local planning authority under the Town and Country Planning Act 1990 and other planning and subordinate legislation with the exception that:
 - a) the preparation, maintenance and updating of the Local Development Framework; and
 - b) the consideration of any policy matter concerning the planning of the Borough, including the development of major sites but not the determination of any planning application;shall be matters to be determined by the Cabinet.
2. To determine applications for certificates under section 17 of the Land Compensation Act 1961.
3. To consider and, if appropriate, serve Article 4 Directions removing permitted development rights in accordance with the Town and Country Planning General (Permitted Development) Order 1990.
4. To determine and enforce building regulations.
5. All other functions relating to town and country planning and development control as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) listed by Committee in the schedule to this document.

(III) LICENSING AND GENERAL PURPOSES COMMITTEE (15)

Labour

Conservative

(8)

(7)

**I.
Members**

**Mrinal Choudhury
Mano Dharmarajah (CH)
Kairul Kareema Marikar
Ajay Maru
Phillip O'Dell
Varsha Parmar
William Stoodley
Krishna Suresh**

**Husain Akhtar
Ramji Chauhan
Susan Hall *
Manji Kara
Amir Moshenson
John Nickolay
Anthony Seymour**

**II.
Reserve
Members**

1. Mrs Rekha Shah
2. Ben Wealthy
3. Raj Ray
4. Ann Gate
5. Sue Anderson
6. Krishna James
7. Bill Phillips
8. Sachin Shah

1. Mrs Camilla Bath
2. Stephen Wright
3. Kam Chana
4. Stephen Greek
5. Lynda Seymour
6. Yogesh Teli
7. Chris Mote

**(CH)

= Chair

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

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

- (a) To consider all matters which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 2001 (as amended) listed by Committee in the Schedule to this document, which are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;
- (b) To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) To keep under review and to determine the arrangements for the holding of elections and any referendums within the Borough and to initiate or respond to any proposals to the change of ward, constituency or Borough boundaries;

- (d) The determination of applications under the Local Government Superannuation Regulations and the Teachers' Superannuation Regulations and the determination of applications under the Council's Personal Injury Allowance Scheme.
- (e) To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:
- All activities under the Licensing Act 2003
 - Food safety and control.
 - Animal health, welfare, safety and control.
 - Gaming, betting, lotteries and related amusements
 - Crime and disorder issues related to the above duties.

(IV) OVERVIEW AND SCRUTINY COMMITTEE (9)

Labour

Conservative

(5)

(4)

I. Members

**Sue Anderson
Ann Gate
Krishna James
Zarina Khalid
Jerry Miles (CH)**

**Kam Chana
Barry Macleod-Cullinane
Paul Osborn *
Stephen Wright**

II. Reserve Members

1. Nana Asante
2. Ben Wealthy
3. Victoria Silver
4. Sasikala Suresh
5. Krishna Suresh

1. Chris Mote
2. Tony Ferrari
3. Christine Bednell
4. Susan Hall

(CH)

= Chair

*

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

Voting Co-opted Members:

- (1) Two representatives of Voluntary Aided Sector
- Mrs J Rammelt/Reverend P Reece
- (2) Two representatives of Parent Governors
- Vacancy (Primary) / Mrs A Khan (Secondary)

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

1. To oversee an agreed work programme that can help secure service improvement through in-depth investigation of 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 offer challenge and critical support to the Executive's policy development function and the long-term strategic direction of the borough;
4. To anticipate policy changes and determine their potential impact on residents and to recommend changes where these are appropriate;
5. To consider the council and partners' strategic approach to service delivery, using, where necessary, the power of overview and scrutiny committees to receive information from partner agencies and to require

partner authorities to respond to reports and recommendations from the Committee, as set out under Part Five of the Local Government and Public Involvement in Health Act 2007;

6. To undertake detailed investigation of service/financial performance in order to recommend policy changes to the Executive and to commission investigations by the Performance and Finance sub committee;
7. To have regard, in carrying out its functions, to the requirement to involve local representatives, as set out in Part Seven of the Local Government and Public Involvement in Health Act 2007;
8. To report scrutiny findings and recommendations to the Executive within 8 weeks of being published or to its next meeting, whichever is the sooner, in accordance with the council's constitution
9. To consider items included in the Forward Plan;
10. To consider Councillor Call for Action in terms of
 - a. Local Government Matters (Section 119, Local Government and Public Involvement in Health Act 2007)
 - b. Local Crime & Disorder Matters (Section 19, Police & Justice Act 2006)
11. 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.
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.

(V) STANDARDS COMMITTEE (5 Councillors + 4 Independents)

	Labour	Conservative
	(3)	(2)
I. Members	Mano Dharmarajah Brian Gate * Victoria Silver	Paul Osborn * Simon Williams
II. Reserve Members	1. Mitzi Green 2. Asad Omar 3. Nana Asante	1. Chris Mote 2. Richard Romain 3. John Nickolay
III. Independent Persons	Independent Persons (Quorum 2):- and Mr James Coyle Dr John Kirkland (CH) Mr Derek Lawrence (Vacancy) (appointed until 2014)	

Membership rules:

- i. The Leader may not be a Member;
- ii. The Chairman of the Committee must be an Independent Member;
- iii. At least 25% of the membership must be Independent persons;
- iv. Only one member of the Executive can be a member of the Committee;
- v. The rules on political proportionality do not apply.

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)
- (o) 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
- (p) 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.
- (q) 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.

(VI) STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (3)

Labour **Conservative**

(2) **(1)**

I. Members **Nana Asante** **Mrs Camilla Bath**
Sasikala Suresh

II. Reserve Members 1. Brian Gate 1. Mrs Lurline Champagnie OBE
2. Bill Phillips 2. Manji Kara

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

1. To advise the Borough's Teachers and the Manager of the Library Service on the provisions of appropriate teaching resources in support of the Harrow agreed RE syllabus.
2. To assist teachers in RE by devising and making available to them schemes of work and teaching materials based upon the Harrow agreed syllabus.
3. To assist in identifying teachers' in-service needs and in conjunction with the Teachers' Centre and the Advisory and Inspection Service, to arrange appropriate courses for teachers.
4. To make recommendations to the Corporate Director Children & Families on resources deemed desirable for implementing and reviewing the agreed syllabus and in furthering the effectiveness of religious education in Harrow Schools.
5. To call a Standing Conference for reviewing the agreed syllabus of Religious Education from time to time.
6. To approve exemptions from Statutory Regulations on Acts of Worship.

Membership (Total 41 persons)

- (1) Group A - Representatives of Christian and Other Religious Denominations (22)
- (2) Group B - Representatives of the Church of England (3)
- (3) Group C - Representatives of Teachers (6)
- (4) Group D - Representatives of the Local Education Authority (3 Councillors and a representative of the Harrow Humanist Association).
- (5) Group E - Co-opted Members (5)
- (6) Adviser to the Council nominated by the Corporate Director Children & Families.

APPOINTMENTS TO OUTSIDE BODY 2012/13

APPENDIX II

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
(Brent and Harrow) Trading Standards Joint Advisory Board	3 (+ 3 deputies)	1. Cllr Keith Ferry 2. Cllr Phillip O'Dell 3. Cllr Susan Hall	1. Cllr Mano Dharmarajah 2. Cllr Ajay Maru 3. Cllr Mrs Vina Mithani
Age Concern Harrow	2	1. Cllr Victoria Silver 2. Cllr Manji Kara	N/A
Age Concern London Conference	1	Cllr Margaret Davine	N/A
Bentley Priory Nature Reserve Management Committee	4	1. Cllr Keith Ferry 2. Cllr William Stoodley 3. Cllr Manji Kara 4. Cllr Joyce Nickolay	N/A
Central and NW London NHS Foundation Trust (until May 2013)	1	Cllr Margaret Davine	N/A
Deputy Lord Lieutenant's Committee	5	1. Alderman Toms 2. Cllr Mrinal Choudhury 3. Cllr Camilla Bath 4. Cllr Chris Mote 5. Cllr Susan Hall	N/A
Edward Harvist Charity (until May 2014)	1	Howard Bluston	N/A
Greater London Enterprise Ltd	1	Cllr Keith Ferry	N/A
Greater London Provincial Council	1 (+ 2 deputies)	Cllr Bill Stephenson	N/A
Harrow Agenda 21 Environmental Forum	4 (+ 4 reserves)	1. Cllr Phillip O'Dell 2. Cllr tbc 3. Cllr Asad Omar 4. Cllr Ramji Chauhan	1. Cllr Nana Asante 2. Cllr Sue Anderson 3. Cllr Navin Shah 4. Cllr Stephen Wright

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
Harrow Association of Disabled People (until May 2013)	3	1. Cllr William Stoodley 2. Cllr Zarina Khalid 3. Cllr Susan Hall	N/A
Harrow Citizens' Advice Bureau	2	1. Cllr Brian Gate 2. Cllr Husain Akhtar	N/A
Harrow College Further Education Corporation Board (until May 2014)	1 (+1 officer appointed)	1. Cllr Sachin Shah (Nominee)	N/A
Harrow Equalities Centre	1 rep from each political group	1. Cllr David Perry 2. Cllr Susan Hall	N/A
Harrow Hate Crime Forum	3 (+ 3 reserves)	1. Cllr tbc 2. Cllr Nana Asante 3. Cllr Kam Chana	3. Cllr Susan Hall
Harrow Heritage Trust Executive Committee	4	1. Cllr Navin Shah 2. Cllr Keith Ferry 3. Cllr Janet Mote 4. Cllr Simon Williams	N/A
Harrow in Europe Committee	5	1. Cllr Nana Asante 2. Cllr Brian Gate 3. Cllr David Gawn 4. Cllr Jean Lammiman 5. Cllr Manji Kara	N/A
Harrow Nature Conservation Forum	1	1. Cllr Sue Anderson	N/A

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
Harrow on the Hill Forum	6 (3 ward members 2 group members)	Ward: 1. Cllr Ann Gate 2. Cllr David Gawn 3. Cllr Simon Williams Group: 1. Cllr Ben Wealthy 2. Cllr Barry Macleod-Cullinane 3. Cllr Stephen Greek	N/A
Harrow Refugee & Minorities Forum (until May 2014)	2 (1 rep from each political group)	1. Cllr Mrs Rekha Shah 2. Cllr Manji Kara	N/A
Harrow Sports Council	3	1. Cllr David Perry 2. Cllr Kairul Marikar 3. Cllr Chris Mote	N/A
Harrow Town Centre Forum	3	1. Cllr Bill Phillips 2. Cllr Sue Anderson 3. Cllr Simon Williams	N/A
Harrow Weald Common Board of Conservators (until May 2014)	5 (3 Ward Members + 2 (1 from each Group))	1. Cllr Ramji Chauhan 2. Cllr Stephen Greek 3. Cllr Tony Ferrari 4. Cllr Phillip O'Dell 5. Cllr Joyce Nickolay	N/A
Harrow Young Musicians Managing Body	2	1. Cllr Keith Ferry 2. Cllr Jean Lammiman	N/A
Homes Limited	2	1. Cllr Bob Currie 2. Cllr Graham Henson	N/A

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
John Pardoe Charity	4	1. Cllr Mano Dharmarajah 2. Cllr Camilla Bath 3. Cllr Christine Bednell 4. Cllr Jean Lammiman	N/A
LBH Bus & Highways Liaison Meeting	4	1. Cllr Mrinal Choudhury 2. Cllr Jerry Miles 3. Cllr Susan Hall 4. Cllr John Nickolay	N/A
LBH Rail Liaison Meeting	4	1. Cllr Mrinal Choudhury 2. Cllr Jerry Miles 3. Cllr Susan Hall 4. Cllr John Nickolay	N/A
League of Friends of Northwick Park Hospital	1 (+1 deputy)	1. Cllr Krishna James	
Lee Valley Regional Park Authority (until July 2013)	1	Cllr Paul Osborn	
Local Government Association - General Assembly Meetings	4 (+4 deputies)	1. Cllr Thaya Idaikkadar 2. Cllr Bill Stephenson 3. Cllr Barry Macleod-Cullinane 4. Cllr Susan Hall	1. Cllr Margaret Davine 2. Cllr Graham Henson 3. Cllr Paul Osborn 4. Cllr Stephen Greek
Local Government Association - Urban Commission	1 (+1 officer appointed)	1. Cllr Keith Ferry	N/A
Local Government Information Unit	1	1. Cllr Graham Henson	N/A
London Accident Prevention Council	2 (+1 officer appointed)	1. Cllr Jerry Miles 2. Cllr Manji Kara	Cllr Phillip O'Dell

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
London Councils' Children and Young People Lead Member	1	Cllr Brian Gate	
London Councils' Crime & Public Protection Lead Member	1	Cllr Phillip O'Dell	
London Councils' Culture, Tourism and 2012 Lead Member	1	Cllr David Perry	
London Councils' Economic Development Lead Member	1	Cllr Keith Ferry	
London Councils' Grants Committee (Associated Joint Committee)	1 (+ up to 4 deputies)	Cllr David Perry	Cllr Thaya Idaikkadar
London Councils' Greater London Employment Forum	1 (+ 1 deputy)	Cllr Graham Henson	Cllr Nana Asante
London Councils' Health and Adult Services Lead Member	1	Cllr Margaret Davine	
London Councils' Housing Lead Member	1	Cllr Bob Currie	
London Councils' Leaders' Committee (s101 Joint Committee)	1 (+ 2 deputies)	1. Cllr Bill Stephenson	1. Cllr Thaya Idaikkadar 2. Cllr Margaret Davine
London Councils' Transport & Environment Committee (Associated Joint Committee)	1 (+ up to 4 deputies)	1. Cllr Phillip O'Dell	1. Cllr Jerry Miles 2. Cllr Nizam ismail
London Youth Games	2 (+2 deputies)	1. Cllr David Perry 2. Cllr Chris Mote	1. Cllr Brian Gate 2. Cllr Yogesh Teli

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
Mayor of Harrow's Charity Fund Trustees	3 (+ 4 Burgesses)	1. Cllr Nizam Ismail 2. Cllr Asad Omar 3. Cllr Christine Bednell Burgesses: 1. Mrs G Branch 2. Mr O Cock 3. Mrs B Cripps 4. Mrs R Feakins	N/A
Middlesex Guildhall Collection and Trust Fund	5 (+1 officer appointed)	1. Cllr Mrs Rekha Shah 2. Cllr Navin Shah 3. Cllr Phillip O'Dell 4. Cllr Jean Lammiman 5. Cllr Camilla Bath	
North West London Community Foundation	1 (+ 1 deputy)	1. Cllr Nana Asante	Cllr Victoria Silver
Port of London Authority / London Home & Water Safety Council	1 (+1 officer appointed)	1. Cllr William Stoodley	
Relate London North West	3	1. Cllr Margaret Davine 2. Cllr Ben Wealthy 3. Cllr Mrs Lurline Champagne OBE	N/A
Reserve Forces and Cadets Association for Greater London (until May 2013)	1	1. Cllr Kairul Marikar	
Sir John Wolstenholme Charity	2	1. Cllr Camilla Bath 2. Cllr Christine Bednell	N/A
St Dominic's College (until October 2014)	1	1. Cllr Brian Gate	N/A

Name of body	No. reps.	Proposed Appointee (for 2012/13)	Proposed Deputies where applicable (for 2012/13)
Stanmore College (until May 2014)	1	1. Cllr Margaret Davine	N/A
Staying Put Scheme Advisory Committee	1	1. Cllr Margaret Davine	N/A
Victoria Hall, Harrow (until May 2014)	1	1. Cllr Bill Phillips	N/A
West House and Heath Robinson Museum Trust	1	1. Cllr Keith Ferry	N/A
West London Alliance	1 (+1 officer appointed)	1. Cllr Bill Stephenson	
West London Waste Authority	1	1. Cllr Phillip O'Dell	N/A

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COUNCIL
5 JULY 2012

OVERVIEW AND SCRUTINY
COMMITTEE
RECOMMENDATION
(3 APRIL 2012)

RECOMMENDATION I: **Scrutiny Annual Report**
 2011/12

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OVERVIEW AND SCRUTINY COMMITTEE MINUTES

3 APRIL 2012

Chairman: * Councillor Jerry Miles

Councillors:

* Kam Chana	* Sachin Shah
* Tony Ferrari (2)	* Victoria Silver
* Ann Gate	* Sasi Suresh (4)
* Paul Osborn	* Stephen Wright

Voting (Voluntary Aided) (Parent Governors)

Co-opted:

† Mrs J Rammelt	† Mrs A Khan
† Reverend P Reece	

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

253. Scrutiny Annual Report 2011/12

The Committee received the draft Scrutiny Annual Report for 2011/12, which summarised the work undertaken during the year by each of the scrutiny committees and the Scrutiny Lead Members.

The Chairman introduced the report stating that he felt it was an excellent picture of the work delivered through the various scrutiny channels and which had resulted in a high percentage of positive outcomes over the whole year.

The officer advised that as part of the finalisation of the report content she intended to undertake a survey of all councillors, public and other individuals/organisations that had been involved in any aspect of the scrutiny

process over the previous year. Results of this survey would be included in the final report to be presented to Full Council in July.

A Member expressed his satisfaction that a review of the report demonstrated that a large number of the recommendations offered by scrutiny reviews had been accepted by Directorates and this demonstrated the significant success of the process for the year.

The Committee endorsed the Annual Report and expressed its thanks to the Scrutiny Team and all councillors who had participated in scrutiny reviews throughout the year.

Resolved to RECOMMEND: (to Council)

That the Scrutiny Annual Report for 2011/12 be agreed.

Scrutiny Annual Report 2011-2012



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Report from the Overview and Scrutiny Committee

Our Committee

The Overview and Scrutiny Committee has continued to meet during the 2011/12 municipal year and we were pleased to welcome Cllr Victoria Silver to the committee's membership in May. We would like to thank Cllr Bill Phillips for the contribution he made to scrutiny as a member of the committee since his election in May 2010. We should also like to welcome Mrs Aamirah Khan who was appointed to the committee in September as a Parent Governor.

The committee has met 12 times this year, a reduction since last year, which reflects the fact that we have given over some of our meetings to increase the regularity of the meetings of the other two scrutiny committees.

We have considered a wide range of issues and commissioned a number of reviews, all of which are detailed below.

Our meetings

As in previous years the Overview and Scrutiny Committee has welcomed the Leader of the Council and the Chief Executive to two of our meetings. At the first of these meetings, in November, the focus for discussion was the council's response to the significant changes in the policy environment in which we must now operate. The second meeting, in January, discussed the strategic financial issues confronting the council as the 2012/13 budget was prepared. We would like to thank Cllr Stephenson and Michael Lockwood for attending the meeting and answering our questions.

During the year we considered a wide range of issues at the committee:

- Community Safety Plan
- Safer Harrow Annual Strategic Assessment
- Transfer of Harrow High Schools to Academies
- Integrated Targeted Children's Services Model
- Schools Place Planning
- Development of the Council's Property Assets
- Implications of the 'Birmingham Judgement'
- Adults', Children's and Corporate Complaints
- West London Waste Plan
- Strategic Overview of Support to the Voluntary Sector and Update on the 3rd Sector Strategy
- Strategic Approach to the Future Provision of the Library and Sports Service
- Corporate Equalities Objectives

Meetings with the Portfolio Holders

A number of portfolio holders have attended meeting of the committee this year and we would like to thank them for their engagement with us:

- In June, *Cllr O'Dell, Environment and Community Safety Portfolio Holder*, attended with the Metropolitan Police Service Borough Commander, Chief Superintendent Dal Babu, to discuss the Community Safety Plan;
- On 5th July, *Councillors Green, Children's Services Portfolio Holder and Brian Gate, Schools and Colleges Portfolio Holder*, attended to discuss children's issues – including academies, the restructure of children's services and planning school places;
- On 20th July, *Councillors Henson, Customer Services and Corporate Services Portfolio Holder, Idaikkadar, Property and Major Contracts Portfolio Holder and Stephenson in his capacity as Portfolio Holder for Finance and Business Transformation* attended to discuss the Birmingham Judgement, the council's property assets and PCT finances;
- In September *Cllr Davine, Adult Social Care, Health and Wellbeing Portfolio Holder* attended to discuss the adults' service annual complaints report;
- In December, *Cllr Perry, Community and Cultural Services Portfolio Holder* attended to discuss developments in the Council's relationship with the Third Sector
- In March *Cllr Henson Customer Services and Corporate Services Portfolio Holder*, attended to discuss the Corporate Equalities Objectives

In the context of the significant changes being contemplated by the authority and given the need for major budget reductions, we look forward to continuing our discussions with portfolio holders over the coming months.

Working with Residents

We continue to work with the scrutiny pool of advisors to ensure that a resident perspective is incorporated into all of our work. In addition to the statutory parent governor and faith school representatives on the main committee, scrutiny reviews have this year been supported by a number of local residents, to whom we are most grateful. Specifically we would like to thank:

- Julie Browne
- Ann Diamond
- Seamus English
- Elizabeth Hugo
- Cliff Lichfield
- Julian Maw
- Hema Mistry
- Deven Pillay
- Linda Robinson

We are also extremely grateful to the members of Harrow Youth Parliament who supported the Engaging Young People review (see below) and to all of the residents who have participated in the consultations we have undertaken during the year

We have continued to expand our social media presence via Facebook and Twitter and have introduced 'The Friday Question' as a means of attracting people to the scrutiny pages. We are now being followed by 62 people on Twitter! Although we haven't had a huge amount of success so far, we will continue to try to exploit new media in order to ensure we reach as far as possible into the Harrow community.

Review Programme

The committee has undertaken a number of reviews this year: the paragraphs below give you more information about each of these reviews. The council is facing challenges on many fronts and we therefore took the decision to have a more fluid and flexible approach to the development of our work programme and not tie ourselves down to a predetermined annual review programme. As a result we have been able to respond as necessary to support the organisation to rise to its current challenges.

Standing Review of Better Deal for Residents ¹

The first phase of the review considered the effectiveness of the council's project/programme management function and made a number of recommendations to Cabinet which were, for the most part, accepted for implementation. Having satisfied itself of the effectiveness of the project management process, in its second phase the review has begun to consider:

- The extent to which new projects have followed the revised project management process and in particular, the extent to which they have investigated their potential impact on local people;
- The extent to which anticipated project outcomes have been achieved for those projects which have now completed – in particular the project's impact on local people.

As new projects come on line, information will be shared with the review group and relevant officers will be invited to discuss the detail of their projects with the review. In this way, by specifically investigating how well the potential impact on residents has been anticipated, the scrutiny review will hopefully ensure that the council does not end up in the same position as Birmingham City Council, which was deemed to have contravened equalities legislation by failing to fully consider the impact of its own budget changes on residents.

All completed projects will also be considered by the review in order to establish how far they have delivered the anticipated outcomes, especially the impact on residents. So far the group have met with officers from Adults' Social Care to consider the outcomes of the 'Reabling Focused Care' project, officers from Corporate Finance to consider the impact of the 'Concessionary Travel' project, officers from Community and Cultural Services to consider the impact of the 'Libraries RFID' project and officers from Environmental Services to consider changes to 'Public Realm' services.

Where the review feels that its view on any new or completing project needs to be considered by Cabinet, then reports will be presented outlining these views. Quarterly reports of the review's activities will also be submitted to the Overview and Scrutiny Committee. As this is a standing review, it is not anticipated that there will be a 'final' report until the end of the administration.

¹ The council's transformation programme

Standing Review of the Budget

This project started during 2011. It has been established to enable scrutiny to take a long term view of the council's financial performance and to investigate the implications of the significant changes to the financial policy framework.

The review has met five times this municipal year and has begun the consideration of a number of strategic financial issues:

- Development and strategic use of the capital budget
- Housing Revenue Account self financing
- Contract renewal management and oversight
- Business Rate Retention proposals
- Localisation of Council Tax Benefit
- The Localism Act

The review group expect to submit their first report to the Overview and Scrutiny Committee in the summer 2012 and after this regular quarterly reports will be submitted to the committee

Council's Use of Performance Information - Phase Two

This review took a detailed look at the future development of a local performance framework for the council, in the context of the loosening Government requirements for performance reporting. It followed on from a review undertaken last year of the council's corporate scorecard by directorate. The review was divided into three sections, looking at best practice, customer engagement and technology/data presentation.

Examination of best practice showed Harrow's approach to be on a par with other well-performing authorities. However, we felt that there was an opportunity to improve reporting to the public and also the speed at which the performance information reaches scrutiny. On the latter, significant headway has been made and we hope that the full effect of this will be felt in 2012/13.

On customer engagement, the review group held a focus group to understand residents' views on performance information. Unsurprisingly, there were a range of views about how much information should be made available and in what format, but key themes that emerged were cost effectiveness, transparency and accountability. As part of the review we also surveyed ward councillors and managers about their information requirements.

With regard to technology and data presentation, the review concluded that there was considerable scope to make better use of information from systems such as the customer relationship management (CRM) system. We were impressed by the way in which consideration had been given to the use of data and information by the public realm and libraries transformation projects; it is imperative that future transformation projects consider how services can become more data-rich and how this intelligence can be used to improve services and performance reporting.

Overall the review recommended that the following principles should underpin Harrow's local performance management framework:

- *Performance information and data is the start of the conversation.* Both Members and officers must be active rather than passive users of information. Councillors should be more demanding of data and officers should consider what they are trying to demonstrate and how best to present it.
- *Managing performance with data rather than with too many indicators.* Given that there is less national pressure to monitor specific performance indicators the Council should shift its focus to identifying indicators that are locally useful and making better use of data to understand performance and support decision-making.
- *To make more data public.* By doing so the Council can improve transparency and accountability as well as encouraging others to share data by leading the way.
- *A positive performance management culture.* Improvement is much more than just measuring. The improvement cycle encompasses leading, setting priorities, planning, measuring impact, learning and revising. It is continuous and iterative – making things better step-by-step. Scrutiny has a constructive role to play in supporting such processes.

There is a need to make performance management fit for purpose in the public sector landscape. There is potentially huge freedom to recast and redesign how the council thinks about improving services and responding to local people's needs. It offers an opportunity to talk to local people about how to do this. It means putting performance management information – and evidence-based policy-making – at the centre.

Engaging Young People

We were asked by the Executive to review how the Council can most effectively engage with young people. The main ambition of the review was to understand the context and business case for involving young people in decision making to help them be more effective in making a contribution to community life. The review also aimed to stimulate debate about how the Council, in times of austerity, can find new ways to involve young people in decision making as well as offer opportunities for young people to develop employability skills through volunteering.

In order to do this, the review group undertook a number of different activities, engagement with young people in their own right, to ensure that it heard the voices of as many young people and professionals as possible. This included desktop research, going out to talk to a number of national experts, visiting other local authorities, holding drop-in sessions and focus groups for young people at the youth centre, running a survey to capture young people's views. We also used the residents' panel survey and social media platforms to capture opinions from a wider audience.

This scrutiny project represented a new and innovative approach to undertaking a scrutiny review – a collaborative project with young people. We are extremely grateful to the Harrow Youth Parliament for agreeing to lead this review and steer its direction, and for co-owning the review's final report and recommendations, which will report to the Overview and Scrutiny Committee in May.

Debt Recovery

The Corporate Effectiveness Leads have spent significant time during the last 18 months considering the council's debt recovery process. Their investigation suggested that the council's approach to debt recovery and referrals to bailiffs etc is in line with that of other authorities; however, anecdotal evidence has led to the opinion that uniform application of the policy was having an adverse impact on a small number of particularly vulnerable residents. As a result of initial investigations the Overview and Scrutiny Committee commissioned a challenge panel and councillors were then able to discuss the application of the council's policy with officers from the Council Tax, Housing and Adult Social Care Services. The panel concluded that:

- the council must develop a process at an appropriate point in the debt recovery process which enable the vulnerable to be identified
- the council must set in place opportunities to share information in order to identify more vulnerable residents.

The panel's recommendations were accepted by Cabinet and further information regarding the processes to improve the debt recovery process will be provided to the Overview and Scrutiny Committee in the summer.

Chief Executive's Senior Management Restructure

During the year, the Chief Executive announced proposals to reduce the size of his senior management team. In order to contribute to the consultation on his plans, the Overview and Scrutiny Committee established a challenge panel and met with the Chief Executive and the Divisional Director of Human Resources and Development and Shared Services.

The panel supported the Chief Executive's assertion of the need for change and his efforts to continuously improve the Council. The panel also supported the majority of the Chief Executive's proposals, however, made a couple of recommendations about the process to get there..

With regard to the recruitment process, the panel felt that assimilation and ring-fenced interviews to the new posts rather than going direct to the market to select staff could potentially impact unfavourably on the diversity of the Corporate Strategic Board. The panel was also concerned that not selecting officers through a process of open competition might mean that the authority is not able to increase the skill base of the senior management team, which is particularly important as the council develops as a 'commissioning' organisation.

The panel also highlighted concerns that the combination of the Section 151 and monitoring officer responsibilities into the post of Corporate Director of Resources, could mean that one of these statutory posts would not be represented on the Corporate Strategic Board.

A response to the challenge panel report was included in the Chief Executive's report to Cabinet on the outcome of the consultation on the proposals. The panel's recommendations were also referred to the Chief Officers Employment Panel which was responsible for recruitment to the posts. The Chief Officers Employment Panel endorsed the recommended appointment process outlined in the Chief Executive's cabinet report, that appointment to the new structure should follow the council's 'Protocol for Managing Change,' which meant that the scrutiny comments with regard to the appointment process were not accepted.

In his report to Cabinet, the Chief Executive also outlined the discussions he had had with the scrutiny panel regarding the status and profiles of the section 151 and monitoring officers, specifically scrutiny's concerns if the Director of Resources is neither the Section 151 nor the monitoring officer. In response to these discussions, the Chief Executive made a number of undertakings to secure the ongoing integration of these high profile roles into the senior management processes.

The Chief Executive welcomed the advice and input made by the panel.

The committee has also begun work on three other projects:

- **Private Rented Sector Housing** – to consider the quality and capacity of public sector housing in the borough
- **Customer Care** – to consider the customer service requests are dealt with throughout the council
- **Safeguarding children** – to consider how effectively local services are able to safeguard the wellbeing of young people in the borough.

These projects are at a very early stage in their development and more detail will be included in next year's annual report.

We have included in Appendix One to this report the results of our scrutiny users' satisfaction survey. We intend to run this survey each year for all those who have interacted with our committees and processes during the year. We will use this information to ensure that we continuously improve our processes.

Our conclusions and next steps

We have again delivered a challenging work programme which we hope will help the council through these very difficult times. We hope that by bringing cross party, backbench challenge to the decisions which Cabinet are having to make we will help to ensure that the right choices are made and that the wellbeing of our residents can be safeguarded.

However, we also recognise that our resources are limited and that, rather than trying to cover all aspects of the council's business during our deliberations, we must focus on those issues of key importance to the authority and our residents. In this way we will maximise the contribution we can make to the council's performance. Next year's report will incorporate more information as to how we have focussed our activities.



Cllr Jerry Miles
Chairman Overview and Scrutiny Committee



Cllr Paul Osborn
Vice Chairman Overview and Scrutiny Committee

Committee meetings	12
Attendance by Portfolio	Cllr O'Dell, Environment and Community Safety Portfolio Holder (1)

<p> Holders</p>	<p> Cllr Green, Children's Services Portfolio Holder (1)</p> <p> Cllr Brian Gate, Schools and Colleges Portfolio Holder (1)</p> <p> Cllr Henson, Customer Services and Corporate Services Portfolio Holder (2)</p> <p> Cllr Idaikkadar, Property and Major Contracts Portfolio Holder (1)</p> <p> Cllr Stephenson, Portfolio Holder for Finance and Business Transformation (1) plus two attendances as Leader of the Council</p> <p> Cllr Davine, Adult Social Care, Health and Wellbeing Portfolio Holder (1)</p> <p> Cllr Perry, Community and Cultural Services Portfolio Holder (1)</p>
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Report from Performance and Finance Scrutiny Sub-Committee

Our Sub-Committee

The Performance and Finance Sub-Committee looks in detail at how the council's services are performing in-year.

We monitor service and financial performance by analysing data and then requesting briefings or details of action plans in place where necessary. The sub-committee can make recommendations for improvement and if necessary make referrals to the Overview and Scrutiny committee if further work is needed.

Our meetings

Our regular Chair and Vice-Chairman's briefings continue to drive the work programme of the sub-committee. Our main areas of activity in 2011/12 have been:

- **Budget holder forecasting compliance** – arising from concerns about compliance by budget holders in 2011/12, we have received regular monitoring information. We are pleased that there has been some improvement, but note that there are still some difficulties, for example where other systems are involved, such as Framework-i.
- **Revenue and capital monitoring** – the quarterly Revenue and Capital Monitoring report (also considered at Cabinet) is now a regular agenda item for the sub-committee. The challenging financial climate necessitates the sub-committee continuing to evaluate the council's response to these pressures.
- **Capital governance and monitoring** – following the overspend in the Children's Services capital programme in 2010/11 we have paid particular attention to capital governance and monitoring arrangements.
- **Payment to suppliers within 30 days** – this remains an area of interest for the sub-committee. In 2012/13 we will monitor the implementation of the recommendations arising from the internal audit review of contract procedure rules, which focused on purchase orders that were raised after the date of an invoice.
- **Cabinet decision making protocol** – following Cabinet's decision to adopt a protocol on which decisions should go to Cabinet and to amend the council's financial regulations, we considered potential implications for scrutiny.
- **Major contracts and procurement savings** – we received a report which provided an overarching view of how major procurement contracts in excess of £1m would be managed and provided a summary of procurement savings being achieved across the council. We have agreed with officers that the sub-committee will receive both a mid-year and a year-end report which will provide:
 - a brief overview of the council's spend over the period, highlighting areas of opportunity for improvement,
 - the contracts register,
 - the delivery of procurement savings,
 - details of upcoming contracts,
 - a summary of all waivers to Council Contract Procedure Rules.

- **Access Harrow – customer service performance**

At the request of the scrutiny review of the council's use of performance information, we received a report on information on Access Harrow performance, details of popular service requests and levels of avoidable contact. This will help to inform the forthcoming scrutiny review of customer care.

- **Leisure management contract performance** – the relevant portfolio holders attended the sub-committee in February to discuss the performance of the contract. We have requested a further update on the both the performance and financial aspects of the contract.

- **Children looked after (CLA) – education and attendance**

As Chair and Vice-Chairman we have had some concerns about performance in this area based on our consideration of the Corporate Scorecard. Along with the Children's Scrutiny Lead Members and the Vice-Chairman of O&S we met with officers, including the new Virtual Headteacher for CLA, to discuss performance. We look forward to receiving details of the Virtual Headteacher's action plan.

- **Project activity** – The Chair has been a member of both phases of the scrutiny review group of the council's use of performance information. The Vice-Chairman is the chair of the standing scrutiny review of the budget.

- **Past reviews** – we have also monitored progress on past reviews, including:

- Economic development strategy action plan (an update on work undertaken since the Sustainability Review was completed)
- Measuring up: council's use of performance information – phase 1
- Better Deal for Residents' review – interim report – project management

Next steps

This year has been productive for the sub-committee. The work of the scrutiny review of the use of performance information has certainly helped to raise the profile of the sub-committee and we look forward to recommendations from that review being implemented in 2012/13, thereby enabling us to take a timelier look at the service and financial performance of the council.



Councillor Sue Anderson
Chair, Performance and Finance
Scrutiny Sub-Committee



Councillor Barry Macleod-Cullinane
Vice-Chairman, Performance and Finance
Scrutiny Sub-Committee

Committee meetings	3
Attendance by Portfolio Holders	Cllr Perry, Portfolio Holder for Performance, Customer Services and Corporate Services (1) Cllr Idaikkadar, Portfolio Holder for Property and Major Contracts (1)

Report from the Adult Health and Social Care Lead Members and Health and Social Care Scrutiny Sub-Committee

Our Sub-Committee

The Health and Social Care Sub-Committee considers health, social care and wellbeing issues key to Harrow residents on a local, London wide and national level. A number of imminent changes are being put in place and are soon to be implemented in the health and social care environment with the passing of the Health and Social Care Act. This has been much of the focus of the committee in 2011/12.

The role of the Adult Health and Social Care Scrutiny Lead members is to consider a range of important health and social care issues that affect Harrow both at committee level and also outside of the committee. We work closely with the Director for Community Health and Wellbeing, colleagues at NHS Harrow, North West London Hospitals and with other key providers of health and social care services in the borough.

Some of the work we carry out as leads is referred on to the Health and Social Care Scrutiny Sub-Committee for formal consideration of key issues. This year has been extremely busy and there has been a great deal of crossover between our work as lead members and our work with fellow members on the Health and Social Care Scrutiny Sub-Committee.

Proposed merger of Ealing Hospital Trust and North West London Hospitals

Over the course of this year we have spent a substantial amount of time looking at the proposed merger of Ealing Hospital Trust (EHT) and North West London Hospitals Trust (NWLHT). Discussions on the merger took place both in the formal committee setting and in extremely valuable informal joint meetings with fellow councillors from Brent and Ealing. Colleagues from NWLHT and EHT also participated in the informal meetings with the three boroughs.

It is hoped that the potential merger will realise savings by replacing the two trust boards with one, creating an opportunity to unify management, streamline work processes and simplify management structures and achieve Foundation Trust status. The merged organisation also aims to provide the clinical vision to deliver an integrated healthcare service through the Integrated Care Organisation and increased partnership with GPs and social care sector.

Consultation on the Outline Business Case for the merger (OBC) was conducted with Local Involvement Networks (LINKs) as there was no statutory obligation to consult with key bodies such as the scrutiny functions in the affected boroughs. Nevertheless, we submitted our response to the proposals in February and these will be included in the Final Business Case (FBC) for the merger which will be published in the spring of 2012.

Although the benefits of a merged organisation are understood, we have reiterated our concerns in our submission including the issue of accessibility and transport, how the changes will be conveyed and communicated to the public, and the need to improve accessibility of community services as part of the plan to reduce hospital care. The impact of the changes on A & E services and whether Northwick Park Hospital will be able to cope with the anticipated increase in patients and whether the plans to improve access to GP services will actually be realised were also key concerns for the committee.

We also emphasised that joined up IT services will be essential for collaborative working between GPs, community services and hospitals. Maintaining a borough based focus especially in terms of the delivery of community services was also highlighted as key for the merged organisation. The need for an equalities impact assessment on the merger proposals, which was absent from the OBC, was stressed in our submission.

The distinction of the merger as a management change without consideration of the possible service changes has been a key concern for the committee. In the public's view, a management merger is immediately perceived as a service change. The committee will be keenly watching whether any of the proposals arising from current 'Shaping a Healthier Future' project being carried out by NHS North West London has any implications on the newly merged organisation.

NHS Harrow and North West London Hospitals Trust Budget Position

Historical debt, an ageing population, an increase in emergency care, use of agency staff, increased demand due to chronic illness and in some instances double running costs have all led to significant challenges to the budget position for NHS Harrow. The committee considered the budget and savings plans to manage the challenges at their meeting in September 2011.

The committee also considered the budget and savings position at a second, more focussed meeting in February 2012, where they took the opportunity to look at the implications of the budget and savings position of the commissioner (NHS Harrow) on the providers, NWLHT and vice versa.

The committee will be keen to see how finances take shape over the coming year, especially as plans go forward and the Clinical Commissioning Group (led by GP consortium) take over the role of commissioning.

Review of Primary Care Urgent Care in Harrow

This year, the committee considered NHS Harrow's review of Primary Care Urgent Care in the borough which addressed the steps being taken by NHS Harrow to ensure that patients are able to access services appropriate to their clinical need. The review was also carried out to explore the reasons why patients used Primary Care Urgent Care services in the way they did. Following the review, proposals for improving patient outcomes to make Primary Care Urgent Care services more efficient were developed. Amongst the findings from the review was that NHS Harrow was at times in effect, paying for the same service twice due to the way patients accessed services in the borough.

It was shown that the lack of accessibility to GP services was a reason why a large number of patients used these urgent care services as their main source of non-urgent primary care. The review highlighted that some patients would benefit from continuity of care whilst others wanted to see a GP or any professional at a convenient time. As a result of the review, NHS Harrow set in motion plans to make access to urgent care consistent across the borough, expand Urgent Care Centres to reduce pressure on A&E, communicate the message that walk-in centres, Urgent Care Centres and A&E should be for urgent cases only and improve access to GPs.

The committee will be looking to see if better 'signposting' has an impact on ensuring that patients are referred to and are accessing the most appropriate service and that access to GPs, which has been a challenge for a while, improves. This is the key to ensuring that the right services are accessed for the right purposes. The committee will also be keen to review the impact of the changes in terms of the impact on budgets and the savings that are achieved.

Temporary closure of Central Middlesex Hospital A&E

In relation to the review of Primary Care Urgent Care, in November 2011 we were surprised to hear of the temporary closure of Central Middlesex A&E between the hours of 8am and 7pm through a local paper. Having discussed it informally in our leads meeting, we decided it was important for the committee to get a full explanation of the reasons for the closure at a committee meeting.

We learnt that the temporary closure of the Central Middlesex Hospital A&E department followed the establishment of the GP led Urgent Care Centre at the hospital. The Urgent Care Centre absorbed approximately 70% of the workload for the A&E department which had been run exclusively by agency staff at a rate of approximately two patients per hour. It was reported that middle grade staff had been increasingly difficult to recruit and retain.

An action plan was developed to manage the situation and advertisements for five new Consultants and a Clinical Director were produced in February 2012. In addition, a recruitment drive had been initiated to tackle recruitment issues with middle grade staff. We will consider the action plan and the impact of the closure in the coming months and explore how the plans for the NHS NWL cluster as a whole impact on this situation.

Review of Infant Mortality Rates in Harrow

We considered the infant mortality rates in the borough in the early part of the year in our capacity as lead members, following concerns raised about an increase in the rate. As a matter of significant importance, we took the issue to the Health and Social Care Scrutiny Sub-Committee.

The issue and potential causes were addressed at a committee meeting where the Director of Public Health explained that no single factor could be attributed as the main cause of the recent increase. The main national and local risk factors associated with infant mortality rates were known to be due to child poverty, overcrowding, late antenatal booking, low birth weight babies, reduced vaccination rates and difficulty accessing interpretation services.

Preventative action such as increasing the uptake of antenatal care and looking at the provision and quality of housing in the borough was being put in place to address this issue. It will be important that this issue is reviewed in the new municipal year.

Health Reforms Progress and Implementation

In our role as lead members we have also kept a close eye on health reforms nationally and the progress of implementation of these reforms in the borough in relation to health, social care and public health.

Subject to parliamentary approval, Health and Wellbeing Boards (HWBB) will become a statutory committee of local authorities by April 2013. The shadow HWBB in Harrow was established in September 2011 and is fully in operation and making progress. The relationship the Health and Social Care Sub-Committee has with this board will be very significant as we move forward. The key output of the HWBB will be the Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategy which the committee will be reviewing as it develops in the coming months.

The Health and Social Care Sub-Committee has also spent some time over the course of the year looking at Public Health and the progress in bringing it fully into the council and the Public Health Transition plan will be presented to the committee in July 2012.

The establishment of HealthWatch, which will take over from the Local Involvement Networks (LINKs) from April 2013 has also been considered by the committee. Overseen by HealthWatch England and part of the Care Quality Commission, HealthWatch will be the local consumer champion across the health and social care sector. Given this important role, key relationships will need to be forged between HealthWatch and our committee.

The committee has also made some progress in developing key relations with the Clinical Commissioning Group and the chair of the board regularly attends the Health and Social Care Scrutiny Sub-Committee. Further steps to develop relationships with lead GPs and members of the Clinical Commissioning Group will be extremely important for the future.

'Shaping a Healthier Future' North West London, Commissioning Strategy Plan 2012-15

At the end of 2011 we became increasingly aware of and engaged in the proposals for change in services delivery across the whole of the North West London cluster.

A high proportion of money is currently spent on hospitals as opposed to other parts of the health service and this needs to be redressed. The programme aims to tackle this by creating better primary and community services and developing a robust out-of-hospital model of care through joined up working with GP's, the community and Social Services whilst reducing the number of hospitals.

At the February committee meeting, the Director of Strategy for NHS NWL presented 'Shaping a Healthier Future', the programme that aims to improve accessibility to primary care clinicians and promote well co-ordinated access to specialists and, up-to-date facilities across North West London. A preferred options paper on the changes for North West London is anticipated by April 2012. A 12 weeks public consultation on the proposal is also proposed to run from June till September 2012.

A Joint Health Overview and Scrutiny Committee (JHOSC) will be established to provide external scrutiny and enable the eight different boroughs within North West London which are impacted by the proposals an opportunity to shape the proposals of the programme and actively respond to the consultation. The other authorities involved are Brent, Ealing, Hammersmith and Fulham, Kensington and Chelsea, Hounslow, Hillingdon and Westminster and, at the committee meeting on 7 February, members agreed to take part in the JHOSC. The first informal meeting of the JHOSC was held at the end of March 2012.

Children's Safeguarding

In February 2012, the Corporate Director for Children and Families raised a number of concerns regarding progress on delivering some of the recommendations made following the NHS London Safeguarding Children Improvement Team visit to the Harrow Health Community in October 2010.

As lead members we highlighted with other members of the Scrutiny Leadership Group our own concerns at the rate of progress. It was decided that an urgent review of the safeguarding children's arrangements in the borough was needed, to ensure that they were sufficiently robust. The review is focussed on whether all the appropriate services, procedures and individuals are in place and whether there is reasonable assurance and confidence that children at risk of significant harm in Harrow are sufficiently safeguarded. The work is currently underway and is expected to report in the early part of the 2012/13 municipal year.

Adults Local Account

The Corporate Director for Community Health and Wellbeing presented a report to the committee in December which set out the Directorate's approach to Quality Assurance (QA) that has led to the development of a Local Account for adult social care.

To ensure the authority is listening and responding effectively to service users and using all of the feedback channels available, Adult Services established the QA and Learning Board and produce a quality assurance report. The report provides an overview of the QA and learning activities undertaken across Adult Services.

The division is in the process of integrating the QA framework into the Adults' Service Plan 2011-14. Changes to the way social care services are monitored and inspected has meant that Adults' Services review their own quality assurance measures and the Local Account is the way councils with adult social care responsibilities report to citizens and consumers about performance in Adults' Services. We will be keenly monitoring progress of this and reviewing the Local Account in the year to come.

Adults' Services Consultation

We kept a watching brief on the adults' services consultation which ran from May –July 2011. The outcomes of the consultation were presented to Cabinet in October 2011 where the contribution policy was agreed. The Adults' Services consultation was viewed as a success because customers'/clients' views had been genuinely sought and listened to and the required equalities impact assessment had been written by the service users themselves. In the coming year, the Health and Social Care Scrutiny Sub-Committee will review the implementation of the contribution policy and its impact.

Personal Budgets and Re-ablement

Personal budgets are well established in Harrow and we have kept a watching brief on the progress through our meetings with the Director of Community Health and Wellbeing. At the end of 2011, progress was on track to reach the target of 50% of adult social care clients having personal budgets. The target for the cash element is 25% and this is proving more of a challenge. Further development of Shop 4 Support should greatly assist with this and we will be watching how this progresses in the new year. The department is also in the early stages of developing personal budgets for carers as well.

The Shop-4-Support system is also proving extremely beneficial for re-ablement. The re-ablement programme has been running for over a year in the borough and a reported 85% of those that participate in the programme do not go on to access further services. How this will measure up against some of the challenges for the service such as the change in demographics will be interesting to see.

Other areas of work

This year the Health and Social Care Scrutiny Sub-Committee also considered the Harrow Local Safeguarding Adults Board (LSAB) Annual Report 2010/2011. We also received a progress update on a key review on the closure of Pinner Village Surgery carried out the year before. The Quality Account of key providers in Harrow including North West London Hospitals, Royal National Orthopaedic Hospital and Central and North West London Foundation Trust were also scrutinised by the committee as will be done in the year to come.

Looking to the future

At a time of considerable change in the delivery and provision of health and social care services, keeping abreast of the emerging policies and service changes will be paramount. As detailed throughout the account of our work this year as lead members and also with the Health and Social Care Scrutiny Sub-Committee, there is a great deal of work that will need to be done over the coming year to monitor progress and consider service development and changes. Our key focus will be on:

- 'Shaping a Healthier Future' North West London, Commissioning Strategy Plan 2012-15
- Children's Safeguarding
- Health reforms progress and implementation
- Public Health transition



Cllr Ann Gate
Chairman Health and Social Care Sub-Committee



Cllr Vina Mithani
Vice-Chairman Health and Social Care Sub-Committee

Committee meetings	5
Attendance by Portfolio Holders	
Attendance by Partners	Rob Larkman , Chief Executive NHS Harrow and Brent (2)
	Javina Sehgal , Borough Director, NHS Harrow (3)
	Dr Amol Kelshiker , Chair, Harrow Clinical Commissioning Group (3)
	David Astley , Interim Chief Executive, North West London Hospitals Trust (2)
	Peter Coles , Interim Chief Executive, North West London Hospitals Trust (2)
	David Cheesman , Director of Strategy, North West London Hospitals Trust (1)
	Simon Crawford , Senior Responsible Officer, Organisational Futures Programme (2)
	Professor Rory Shaw , Medical Director, North West London Hospitals Trust (2)
	Dr Alfa Sa'sdu , Medical Director, Ealing Hospital Trust (2)
	Dr Andrew Howe , Director of Public Health (1)

Reports from the Lead Members and the Scrutiny Leadership Group

Leadership Group

Since the election in 2010, the Scrutiny Leadership Group, comprising the lead councillors and the chairs and vice chairs of the committees, has been meeting on a monthly basis to provide strategic direction for scrutiny. The group considers the timetabling of items for the committees and recommends the content of the work programme to the Overview and Scrutiny Committee. It also provides a forum through which the scrutiny councillors can share issues which have been brought to their attention, to ensure nothing is missed and that there is no duplication of effort.

The group also provides a forum within which we can ensure that scrutiny is working as effectively as possible. One of the key issues considered this year has been the role and remit of the leads. During discussions a number of us have made the point that the breadth of our responsibilities is significant and that trying to cover all issues that fall within our remit is overwhelming with the potential that our efforts are not focussed on the right things. In order to try to address this, we have decided that we will define more closely of our responsibilities but that we will do this based on evidence of performance of the council and our partners. We are therefore arranging detailed discussions with each of the corporate directors to discuss their service plans and their priorities. We have also requested information regarding the performance of each of our services and an analysis of the complaints they receive. In this way, we hope to be able to target our work. However, these are very challenging times and we will also keep an eye to the ever-changing policy horizon and we will leave space in our busy schedules to address any emerging issues.

As we enter the next administrative year, we may also choose to recalibrate the current lead areas, perhaps to reflect the changes introduced by the Chief Executive in his senior management reconfiguration.

The paragraphs below outline the work that each of the leads have undertaken during the last year.

Report from the Children's Leads

The role of the Children and Young People lead members is to consider issues which impact on the well-being of children across the borough. The shift in the policy environment since the change in national government in 2010 has brought with it much change in how children and young people are being served. Furthermore the impact of considerable cuts in public spending has led the council and its partners to review fundamentally how they deliver services to children and young people. Our work over the last year has reflected upon much of this.

Our areas of focus

We have held regular meetings with the Corporate Director of Children and Families to keep abreast of the issues affecting children and young people in Harrow and sought ways in which scrutiny can add value in continuing to meet their needs. Scrutiny's attention has also helped in the directorate's preparations for an Ofsted inspection in spring 2012.

- **Introduction of integrated targeted services for children and families**

In the last year we have seen the introduction of a new operating model for Children's Services. Staff, partners and service users have been involved in designing a new way of working for the directorate which is now named Children's and Families' Services. The new look service provides a more effective and targeted children's service with a single point of access – it reduces bureaucracy, ensures a more appropriate service for vulnerable children and families, and delivers efficiencies. This transformational approach also sees the re-location of a number of services into one building, consolidating them from six different sites. It has therefore been a time of significant change for the directorate and we have monitored the progress of the changes.

- **Academies**

In August 2011 seven of Harrow's high schools transferred to academy status, thus becoming autonomous from local authority control. The council provided support to allow this conversion in status and in doing so laid the groundwork for any subsequent transfers. The process of transfer and the lessons learned were considered by the Overview and Scrutiny Committee and we plan to monitor the impact of the changes over the coming year.

- **Safeguarding**

Early this year the Children's Access Team (CAT) and Multi Agency Safeguarding Hub (MASH) were introduced and bring together various partner services into one place to simplify access for residents and professionals. This was cited as best practice in Professor Eileen Munro's national review of child protection and we will make reference to this in scrutiny's current review of safeguarding.

- **Adoptions**

We were delighted last summer when Harrow's partnership with the charity Coram was cited as good practice in The Narey Report, a report by former Barnados Chief Executive Martin Narey into adoption services in the UK. In this, Harrow was singled out for praise for giving a greater role to the voluntary sector. The directorate has worked very hard in recent years around adoptions and the adoptions service has been transformed, making it one of the most effective adoption services in England.

- **Children Looked After**

We were concerned about the performance figures relating to the education and attendance of Children Looked After (CLA) which were persistently unsatisfactory. With a few of our scrutiny colleagues we held a briefing to examine the issues with council officers including the new virtual headteacher for all children looked after by the council. This new post is a part-time role held by one person with the intention that the service operates like a school in its own right. The factor with the greatest impact on attendance is the stability of the care placement and having a Personal Education Plan in place is also important. These are monitored and reviewed regularly. We will continue to liaise closely with the Corporate Parenting Panel and review their quarterly reports to ensure performance in this area improves.

- **Engaging young people**

As detailed elsewhere in this report, the Overview and Scrutiny Committee commissioned a light-touch review on engaging young people. We were both members of this project and worked with scrutiny colleagues, community representatives and young people from Harrow Youth Parliament to produce a report that aims to enhance the council's engagement and involvement with young people in issues that matter most to them.

Looking to the future

We are delighted that in the recent annual Ofsted performance assessment Harrow's Children's Service was assessed as performing outstandingly, making it one of the best children's services in the country. We hope that scrutiny's approach as a 'critical friend' over the next year will help to consolidate this position and make Harrow's services for children and young people even stronger. We intend to continue monitoring progress in rolling out the new operating model for Children's and Families' Services, including how the proposed hub and spoke model of children's centres develops. We will support an in-depth look into areas of focus through the scrutiny review of safeguarding and the Overview and Scrutiny Committee intends to take a critical look at the first year's operation and performance of the new academies in Harrow.

The national policy environment for local government and services for children and young people continues to change, around for example the school capital system following the James review, the Special Educational Needs green paper, and child protection with the Munro review. We will keep abreast of how these and other national policy landscapes develop and ensure that Harrow is well prepared to implement changes so that the success and well-being Harrow's children and young people is assured.



Councillor Christine Bednell
Policy Lead
Children and Young people



Councillor Krishna James
Performance Lead
Children and young people

Report from the Corporate Effectiveness Leads

Our areas of focus

We have continued to meet on a regular basis with the Assistant Chief Executive and the interim Corporate Director of Finance, now the interim Corporate Director of Resources, and we would like to thank them for the information which they have been able to share with us. Their briefings have enabled us to keep a regular eye on a number of areas:

- the budgetary performance of the council;
- the changes to the performance management regime in the aftermath of the abolition of National Indicator Set and removal of key roles from the Audit Commission;
- human resources - a key issue given the significant changes facing the organisation; and
- customer care

However, the main focus of our work has been on the council's debt recovery process. We have become increasingly aware of difficulties being faced by some of our more vulnerable residents with regard to the council's debt management processes. We must point out from the beginning that we fully endorse the council's vigilance in the pursuit of those of our residents who choose not to meet their civic responsibilities and pay their taxes and bills - we depend on this income in order to deliver services to our citizens. However, a number of very distressing cases have been brought to our attention which we felt warranted further investigation to assess whether or not our processes are achieving the right balance of objectives.

We approached this issue by taking a look at the debt collection performance of similar boroughs, in particular, was there any evidence to suggest that perhaps our approach was too heavy handed? If so we would have expected to see a greater proportion of our cases progressing through to bailiff action. There was no evidence of this and it seems we are much on a par with our colleagues. However, this did not explain the very distressing cases coming to our attention. It seemed to us that the council's 'one size fits all' approach to debt recovery was placing our most vulnerable residents at greater risk. We therefore decided to investigate what might be done to safeguard the small number of people whose circumstances and vulnerability mean that they are unable to pay their debts to the council.

Our challenge panel heard evidence from officers in Council Tax, Housing and Adult Care Services and we were also very grateful for the advice and comment received from Harrow Law Centre.

By considering a number of real case studies we were able to investigate the practice and we concluded that:

- the council must be able to identify vulnerable residents at an appropriate point in the debt recovery process - we must stop to assess whether or not the people we are pursuing for debt are experiencing specific issues which mean they are unable to pay their debts before we make decisions which could see their circumstances irrevocably damaged
- the council must set in place opportunities to share information - it is clear to us that information with regard to individuals' particular circumstances is available in different parts of the council and we must find a way of sharing this.

We also considered whether or not there is scope to 'centralise' the various debt recovery functions: however, we did not receive sufficient evidence on this point and we therefore propose to return to this next year.

Looking to the future

Like the other leads, we will be meeting with corporate directors early in the new municipal year to discuss their priorities and to focus our own activities. However, we have already agreed that our immediate focus will be on:

- Centralisation of debt recovery processes – as further evidence is made available
- The implementation of the mobile and flexible working project which should go live in the next few months and
- The use of data generated in Access Harrow



Cllr Jerry Miles
Policy Lead
Corporate Effectiveness



Cllr Tony Ferrari
Performance Lead
Corporate Effectiveness

Report from the Safer and Stronger Communities Leads

Our areas of focus

In the early part of this year, we considered the Strategic Assessment – this document provides the statistical information upon which the borough's Community Safety Plan is based. We were pleased to have been able to consider this document, and we noted that a number of the items included as priorities for the borough could also be picked up by the Safer Neighbourhoods Teams (SNTs) and the Neighbourhood Champions.

In this context we welcomed the results of the Metropolitan Police Service's review of the SNTs which was undertaken during 2011. We had been briefed on the likely changes to the SNTs during the year and had been able to register our concerns with the Borough Commander, Chief Superintendent Dal Babu. In July, the Metropolitan Police Service announced the results of the review:

- 'The Metropolitan Police Service remains firmly committed to dedicated Safer Neighbourhoods teams working to political ward boundaries
- Safer Neighbourhoods teams will work jointly across wards, on a temporary basis, to meet community and crime priorities
- The MPS will not reduce the number of PCs and PCSOs within Safer Neighbourhoods teams as a result of this review
- However, we will reduce management costs. There will be a reduction of 150 Safer Neighbourhoods Sergeants on a pro-rata basis across all boroughs'.

We also considered the Adults' Services consultation with a view to understanding how the best practice derived from this exercise could be shared across the organisation. Officers had consulted with service users on a number of changes/reductions to the services they receive as a part of the council's need to make significant financial savings. The consultation had been a remarkable exercise and, whilst service users were not happy about the savings, they at least understood why they needed to be made and were pleased to be able to influence the changes. We were keen to ensure that this excellent practice was shared across the organisation, particularly in the context of the Birmingham Judgement. We were pleased to hear that Adults' Services had been given the time to undertake this challenging consultation process effectively and in the process ensure that service users fully understood the issues.

We were pleased to have been briefed by officers on the **civil unrest** which took place across London and other parts of the country. In particular we wished to understand why the rioting which rocked the capital did not materialise in Harrow. We are very grateful to Chief Inspector Nick Davies, Finlay Flett, Head of Community Safety Services and Mike Howes, Service Manager, Policy and Partnerships for attending our briefing in September and informing us of the actions taken by the council, the police and the community which kept our citizens safe. The council was able to contribute evidence of the partnership effort which had prevented disturbances from occurring in Harrow to the Riots Communities and Victims Panel report '5 Days in August'

Looking to the Future

Like other scrutiny lead councillors, we will meet with relevant officers to discuss their service plans with them in order to identify priorities: however, there are a number of issues which we have already identified for consideration in the next municipal year:

- Maintaining the positive cohesion of our diverse community
- The future relationship between the council and the police, for example in progressing plans for co-location;
- The impact of the Olympics on policing in Harrow
- Smartwater ²
- The changes following the abolition of the Metropolitan Police Authority and the introduction of the Mayor's Office for Policing and Crime;
- The performance information which is produced by the police service and how this might be used by other agencies to support the commissioning function.
- How the changes to housing benefit are impacting on our community.



Cllr Chris Mote
Policy Lead
Safer and Stronger Communities



Cllr Nana Asante
Performance Lead
Safer and Stronger Communities

² Property marking system

Report from the Sustainable Development and Enterprise Leads

2011/12 has seen further national policy development in the field of sustainable development and enterprise including the draft National Planning Policy Framework, the Localism Act (specifically neighbourhood planning) and a new national housing strategy for England, *Laying the Foundations*. As in 2010/11 we have found our brief to be very wide ranging, cutting across the responsibilities of different directorates.

Broadly speaking we define *sustainable development* as that which meets the needs of the present without compromising the ability of future generations to meet their needs. We consider *enterprise* to be business activity within an economic development and/or regeneration context.

Our areas of focus

Given our broad brief, over the last twelve months we have recognised the need to keep ourselves well informed about our policy area. Our activities have included:

- Attending an LGA seminar on localism and neighbourhood plans
- Attending an LGA conference 'Making the Green Deal a Fair Deal'
- Attending a conference on climate change at City Hall
- Attending a solar panel presentation held at the council
- Visiting local affordable housing provision at Honeypt Lane, Rayners Lane and Richards Close
- Visiting a local eco home in Tintagel Drive

We have also received briefings from council officers on the following areas:

- The Place Shaping directorate service plan, attended by the relevant portfolio holders and divisional management team
 - The Carbon Reduction Commitment
 - Housing policy
 - The new housing repairs contract
 - Property and disposal, attended by the relevant portfolio holder
 - Mobile and flexible working, attended by the relevant portfolio holders
- **Place Shaping Directorate Service Plan 2011/14**

The Corporate Director outlined the major areas of focus for the directorate, which include:

 - The Local Development Framework Core Strategy
 - The Economic Development Action Plan and associated successful bids to the Mayor's Outer London Fund
 - The council's disposals programme
 - The mobile and flexible working project
 - **Carbon reduction commitment (CRC)**

This briefing covered CRC in schools as well as the Draft Corporate Carbon Reduction Strategy. Targets in this area are challenging; the council's target for carbon reduction is an average of 4% per annum, in keeping with the Mayor's target of a 60% reduction by 2025.

- **Housing policy**

The briefing covered housing needs, voids and allocations, affordable housing, flexible tenancies and resident engagement. At this meeting the Divisional Director proposed that scrutiny could support the work of the directorate by considering the council's future relationship with private landlords and the associated policy impact. This project has been included in the work programme and we will be participating as members of the review group.

- **The new housing repairs contract**

In 2007, the Council signed two five-year contracts with Kier for construction works, one of which related to repairs and maintenance for both corporate and housing properties, running until the end of June 2012. We were briefed on options for the future and supported the preferred option, to contract with a small number of local suppliers. This approach should achieve significant savings as well as economic benefits to the local community by using local suppliers. We have recommended that the Performance and Finance Sub-Committee monitor progress.

- **Property and disposal**

This briefing covered the Place Shaping Capital Programme 2011/12 to 2015/16. We discussed aspects of the programme with the Portfolio Holder, including the Civic Centre consolidation, Civic Centre site development, land acquisition and disposals strategy.

- **Mobile and flexible working**

This briefing covered plans for the implementation of the project. The project includes improving customer experience, improving the working life and performance of staff, replacing paper with electronic documents, rationalising use of office space and delivering efficiency savings.

Looking to the future

In 2011/12 we have sought to develop our knowledge and in the coming year we hope to prioritise our efforts in supporting and challenging the council's work in this area. In 2012/13 we will continue to encourage the council to consider all facets of sustainable development and enterprise. We will continue to monitor the impact of policy changes as well as major local developments such as the mobile and flexible working project.



Councillor Stephen Wright
Policy Lead
Sustainable Development and Enterprise



Councillor Sue Anderson
Performance Lead
Sustainable Development and Enterprise

Member development

This year's scrutiny member development programme has built upon the training and induction for scrutiny members last year and was agreed by the Scrutiny Leadership Group in June.

The aims and objectives for the programme addressed the following six areas:

- **Expertise:** To develop sufficient expertise and technical knowledge to deliver effective challenge.
- **Roles:** To consolidate the scrutiny arrangements and clarify the understanding of roles within them in order to champion the scrutiny function effectively.
- **Influence:** To assert scrutiny's influencing role by targeting recommendations.
- **Relationships:** To build relationships both externally with partner organisations and internally with officers and the Executive.
- **Evidence gathering and analysis:** To use evidence in the best way to inform constructive challenge and recommendations for future action.
- **Project planning:** To ensure that scrutiny projects are well-scoped and managed in order to achieve the desired outcomes.

In aligning scrutiny's training with the corporate member development programme, the Member Development Panel asked that sessions for scrutiny members be opened out to the all members and that the programme be incorporated into the corporate member development programme.

Social media – June 2011

Scrutiny members had also requested a session on social media which was delivered through the corporate member development programme. This should prove timely given scrutiny's extended use of social media to reach further into the community.

Community involvement and community leadership – October 2011

Requested by members to follow up the session on consultation in March 2011, this session explored councillors' role in community leadership and issues that needed to be considered with regard to community involvement. The session was delivered in house and was well received by councillors.

Being a scrutiny lead member – November 2011

To support scrutiny lead members, a session was held specifically exploring the expectations, skills and knowledge attached to these roles. This session was also delivered in house and received very good feedback from attendees. Their interactive delivery proved an engaging way for officers to deliver the training.

Project management – April 2012

This session was run by Office for Public Management for all councillors and explored issues around the different stages and processes involved in a well-run project and the different roles and skills required. It will also allow councillors to consider particular factors concerned with projects in a political environment.

Shifting relationships – date to be arranged

Given the level of changes in public services and the changing policy landscape within which these sit, relationships that the council and councillors have with other public sector bodies are changing. This training session will seek to explore the challenges around this, and consider specific implications of commissioning and transformation and scrutiny's role in this.

Report from the Call-In Sub-Committee

On 5 December 2011, the Call In Sub-Committee met to consider the decision made by Cabinet with regard to the Whitchurch Pavilion and Playing Fields taken on 17 November 2011 that:

- (1) having considered the findings of this report and, in accordance with officer recommendations, the Whitchurch Consortium be selected as the Council's preferred bidder for the purposes of further consultation as set out below;
- (2) the Corporate Director Place Shaping be authorised to:
 - I. consult Ward Councillors on the proposals put forward by the Whitchurch Consortium;
 - II. agree arrangements for the Whitchurch Consortium to present their proposed development plans in a public forum;
 - III. place statutory advertisements required in connection with the proposed leasing of the open space land and to consider and respond to any representations received as a result of the above actions;
 - IV. negotiate the Development Agreement, associated Service Level Agreement and Terms of the Lease;
- (3) note that the consultation results will be reported to Cabinet in due course prior to any final decision and that, in any event, no development shall take place unless and until the Whitchurch Consortium have obtained planning permission.'

The decision had been called in by the Abchurch Residents Association and other residents and ward councillors for Belmont, Canons and Stanmore Park wards.

The call in was made on the grounds that:

- Inadequate consultation took place prior to the decision being made; and
- There was an absence of adequate evidence upon which to base a decision

The sub-committee resolved (majority):

That the challenge to the decision be taken no further and the decision be implemented.

On 28 February 2012, the Call In Sub-Committee met to consider the decision made by Cabinet with regard to the Transformation Programme Mobile and Flexible Working project taken on 9 February that:

- (1) the implementation of the Mobile and Flexible Working project, as set out in the report, be approved.
- (2) the Corporate Director Place Shaping, in consultation with the Leader and Portfolio Holder for Finance and Business Transformation and the Portfolio Holder for Performance, Customer Services and Corporate Services, be authorised to take all actions necessary to implement the project.

The call in was made on the grounds that:

- Inadequate consultation took place prior to the decision being made; and
- There was an absence of adequate evidence upon which to base a decision

The decision had been called in by Councillors Christine Bednell, Stephen Greek, Barry Macleod-Cullinane, Chris Mote, John Nickolay, Joyce Nickolay and Simon Williams.

The sub-committee resolved that:

- (1) (unanimously) the call-in on ground (a) – inadequate consultation with stakeholders prior to the decision - be upheld and referred back to Cabinet for re-consideration as Members felt let down by officers because when the Overview and Scrutiny Committee Members requested a briefing on an item before Cabinet, they would expect to have received it before the Cabinet meeting took place.
- (2) the call-in on ground (b) - the absence of adequate evidence on which to base a decision – not be upheld due to insufficient grounds.



Cllr Jerry Miles
Chairman Call-In Sub-Committee



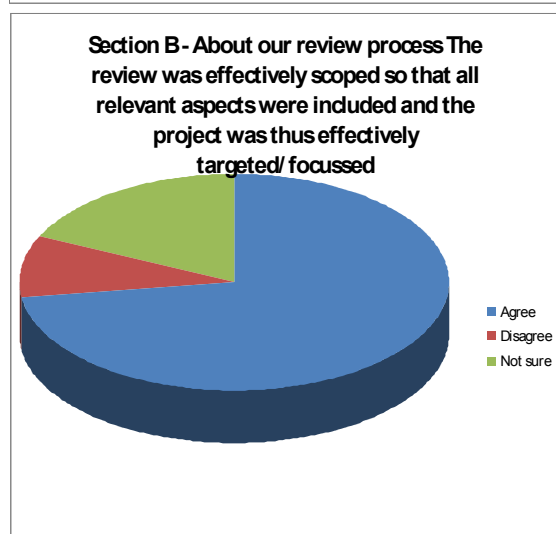
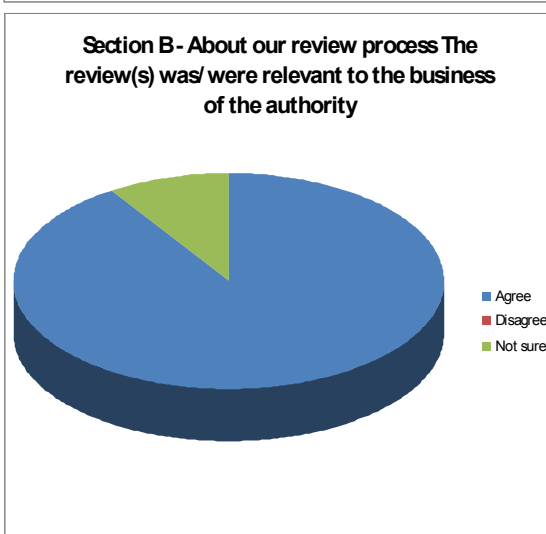
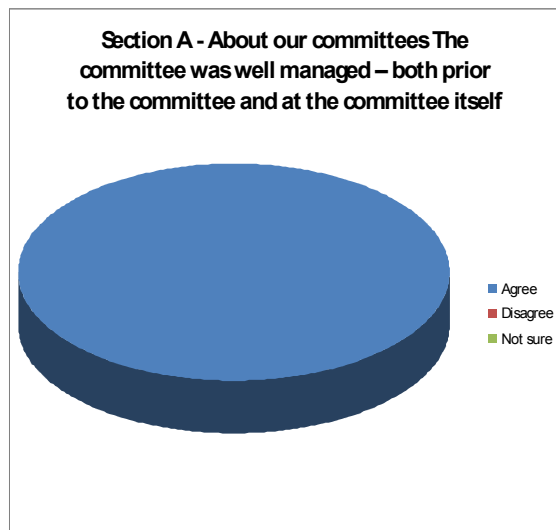
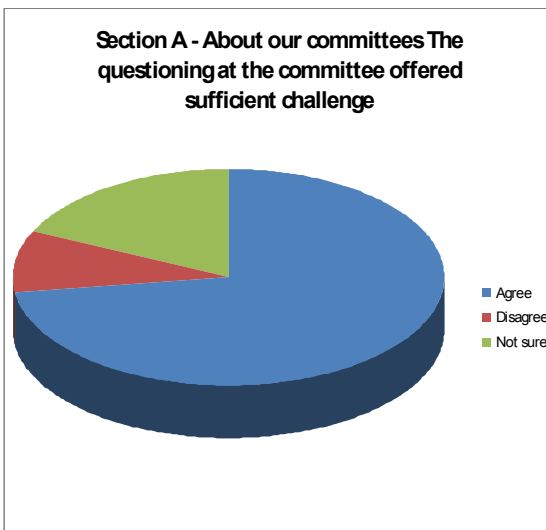
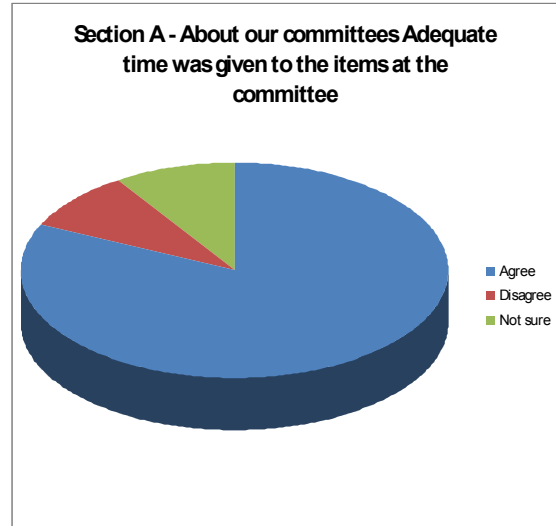
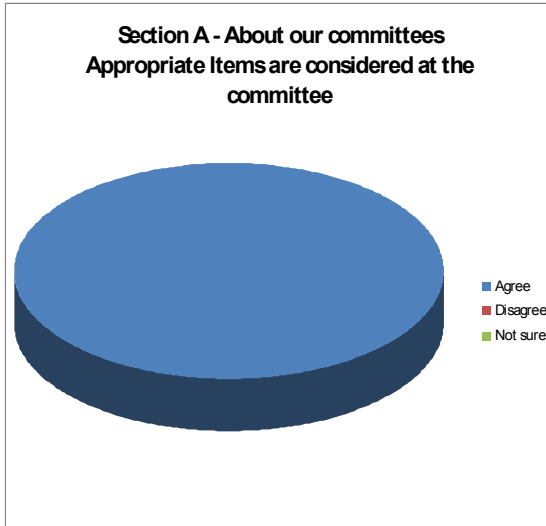
Cllr Paul Osborn
Vice Chairman Call-In Sub-Committee

Conclusion

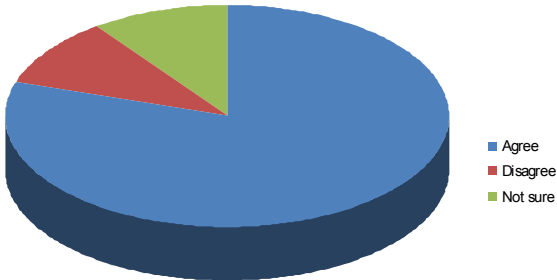
The next municipal year will continue to present significant challenges to the authority. The council and partners will face further, unprecedented reductions in our finances, our communities will continue to experience the rigours of recession and central government will continue to unveil their emerging policy programme. All of this creates a volatile context for the delivery of services to the people of the borough. The resources available to scrutiny are small and it is absolutely crucial that these resources are targeted where they can be of most benefit to the authority and to our residents. We will continue to champion the needs and well being of our residents.

Appendix One: Satisfaction Survey – Results and Responses

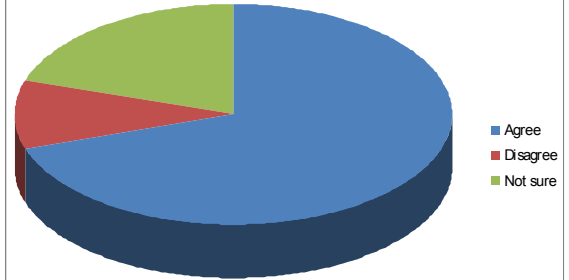
The charts below outline the results of the scrutiny survey which was carried out in spring of 2012. The response rate was unfortunately very low (17 overall) but the information provided will still provide useful insight as to our effectiveness. The results will be further considered by the Scrutiny Leadership Group.



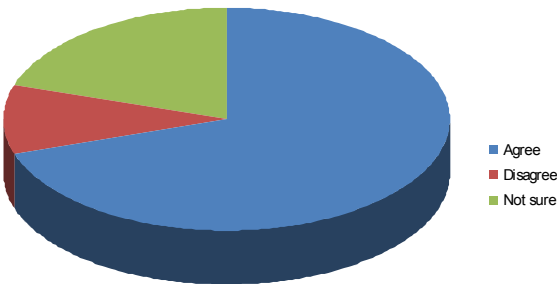
Section B - About our review process The project plan was well constructed and offered sufficient time for issues included in the scope to be properly considered



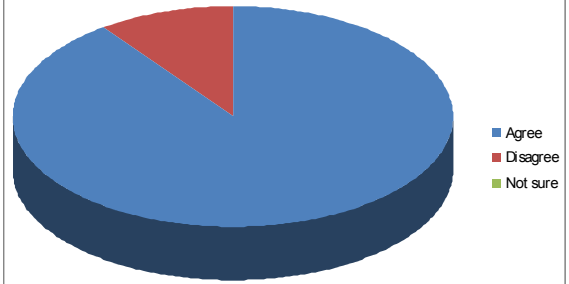
Section B - About our review process The review was provided with sufficient evidence upon which to base its findings



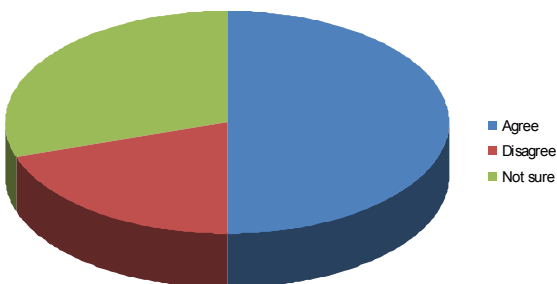
Section B - About our review process The scrutiny team provided effective support to the project through agenda planning, policy research, survey support and report drafting



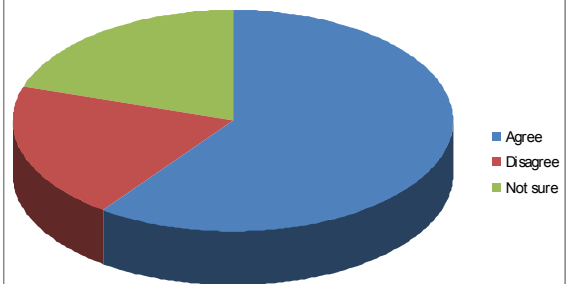
Section B - About our review process I felt fully engaged and informed with regard to the purpose of the project and how it would run



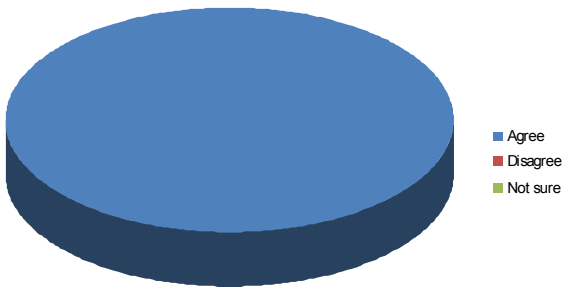
Section B - About our review process I felt fully engaged in planning the project



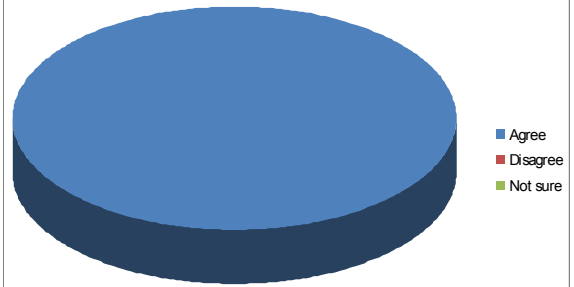
Section B - About our review process I felt fully engaged in determining the outcomes from the review



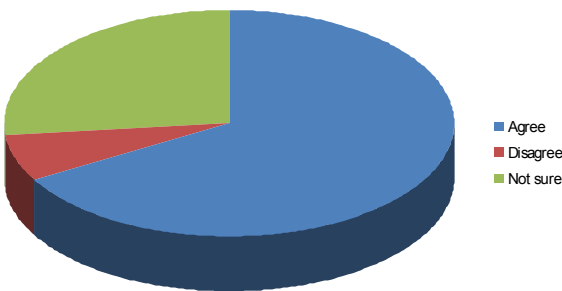
Section C - About our briefings The briefings are an effective way of keeping scrutiny aware of the major concerns of the council/ partners



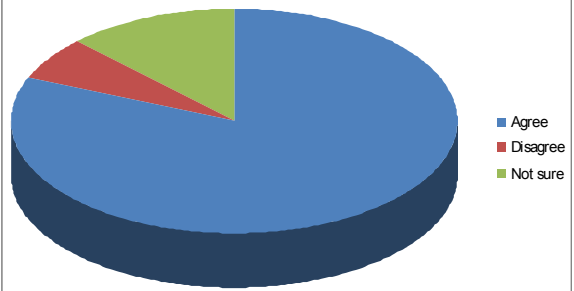
Section C - About our briefings The briefings are well timed and represent a good use of my time



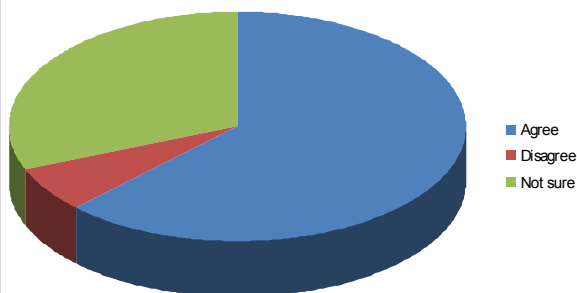
Overall Scrutiny is effective in holding the Executive to account



Overall Scrutiny is effective in supporting the council and partners to improve their services



Overall Scrutiny is valued by the local authority and partners



COUNCIL
5 JULY 2012

STANDARDS COMMITTEE
RECOMMENDATION
(14 JUNE 2012)

RECOMMENDATION I: The Standards Regime

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STANDARDS COMMITTEE

MINUTES

14 JUNE 2012

Chairman: * Dr J Kirkland

Councillors: * Mano Dharmarajah * Victoria Silver
* Brian Gate * Simon Williams
* Paul Osborn

Independent Persons: † Mr J Coyle * Mr D Lawrence

* Denotes Member present

† Denotes apologies received

RECOMMENDED ITEMS

82. The Standards Regime

The Chairman introduced the report and explained that the Committee were required to make a decision on the report to allow recommendations to be submitted to the Full Council meeting on 5 July 2012. The report was divided into several themes. The first theme to be considered was the future arrangements to deal with complaints against Members.

The Head of Legal Services explained that a flow chart had been contained in the report to provide a visual representation of the process. The officer also reported the following points:

- the complaints process had included a filter at an initial stage to rule out complaints which were not within the scope of the Code of Conduct and / or which were vexatious;
- the complaint then progressed to an informal Assessment Working Group who could form recommendations on whether an investigation should take place or if there should be no further action;

- if there was disagreement on the outcomes reached by the Assessment Working Group between the Monitoring Officer and the relevant Independent Person, the complaint would then be referred to a formal Assessment Sub-Committee. They could formally decide whether to carry out an investigation or whether there should be no further action;
- if an investigation was conducted and concluded, it proceeded to the Hearing Sub-Committee who could hear evidence and require people to attend.

During the discussion on this theme, Members raised a number of issues which the officer responded to as follows:

- there had been an alternative structure proposed by inserting an additional tier before the Hearing Sub-Committee. This would involve having a Hearing Working Group. This would have a similar role to the Assessment Working Group but would consider the investigation report prior to making any recommendations to the Monitoring Officer. Officers had concerns with this proposed body in that it would not be formal and may encounter difficulties in getting parties to attend its meetings;
- sanctions imposed as a result of a complaint had to be determined either by a formal body or the Monitoring Officer;
- it was important to note that there had only been four formal Hearings held since 2007, which was a relatively low number.

During the discussion on this theme, Members of the Committee made a number of wide-ranging comments as follows:

- there were concerns that the Hearing Sub-Committee was not being chaired by an Independent Person. This could mean that the public perception would be significantly impacted upon in terms of dealing with and resolving complaints fairly;
- retaining Independent Members as part of the complaints process was vital and it was important for the public perception that Independent Members played a key role in their determination;
- if all Members did not support the proposed structure for dealing with complaints, it would not operate successfully;
- there were concerns that there had not been any discussions between the political groups on the Council concerning the future arrangements in relation to complaints;
- it was believed that any Hearing body would not meet often, but when it did it was important that it had the confidence of everyone involved;

- the structure of dealing with complaints as proposed would encourage good behaviour amongst Members and would lead to less complaints being made. The extra level suggested by another Member could not be supported;
- the structure proposed would have added advantages in relation to minimising costs. However another Member commented that there would be no significant cost difference;
- political proportionality would automatically apply to the Hearing Sub-Committee due to the relevant legislation;
- the decision was to be taken by the Full Council. They could decide to amend any recommendations made by the Committee at its next meeting.

At the conclusion of the debate on the complaints process, a Member of the Committee proposed an amendment to create a Hearing Working Group which would meet once an investigation had taken place in relation to a complaint. They would form their recommendations, which if the Monitoring Officer and Independent Person agreed with, could then be implemented. If there was disagreement between the Monitoring Officer and the Independent Person this would then proceed to the Hearing Sub-Committee.

Upon a vote the amendment was not agreed. Councillors Paul Osborn and Simon Williams wished to be recorded as having voted in favour of the amendment.

The Chairman suggested that if possible discussions should take place between the two political groups prior to the next Full Council meeting to see if any agreement could be reached on this specific part of the proposals. The Chairman also expressed his regret that discussions between the political groups had not taken place prior to the meeting.

The next theme the Committee then considered was the future of the Committee or any overarching body overseeing standards issues. The Head of Legal Services explained that it had been proposed to continue with the Committee and that Terms of Reference for the new Committee had been tabled at the meeting. The Head of Legal Services further confirmed that the Committee was able to recommend to Full Council changes to the Constitution as requested without the need to proceed to the Constitution review Working Group.

During the discussion on this item, a Member of the Committee suggested that the rules relating to the Mayor and Leader being prohibited from serving on the Committee should be removed. He suggested that if the Leader of the Council was a Member of the Committee, this would be helpful in terms of imposing any sanctions arising from resolving complaints and also would still ultimately be the decision of the Leader of the Council as to whether to be a Member. It would simply mean that the prohibition would be removed. Other

Members of the Committee disagreed with this suggestion as they believed the current rules worked well. The Committee agreed that this was something that could be revisited in the future.

The next theme the Committee considered was the proposed Code of Conduct and Register of Interests. The Head of Legal Services advised that the relevant regulations had been produced into what constituted disclosable pecuniary interests. A tabled document had been circulated as the regulations came into force at the time the agenda went out, which contained a proposed Code of Conduct and relevant section on Register of Interests. It was also reported that the Monitoring Officer would be writing to all Members after the meeting to request the declaration of pecuniary interests before 29 June 2012.

During the discussion, Members raised some queries relating to the application of the new Register of Interests. The Head of Legal Services responded by stating that the Regulations had just been published earlier that week. As a result officers had been provided with very little time to analyse it and on how it would be applied. However officers would be conducting a series of comprehensive briefings for Members on this subject where issues would be examined more closely.

The Head of Legal Services also reported that it had been reported that the limit for registering gifts, hospitality or benefits could increase from £25 and that £100 was proposed. The Committee agreed that this was a sensible proposal. Upon a suggestion from a Member of the Committee, the Head of Legal Services also agreed that it would be prudent to combine paragraphs 13.1, 13.2 and 14 of the Code of Conduct, as they addressed similar issues.

The Head of Legal Services also explained that there was an issue for the Committee to make a recommendation on in terms of on a declaration of a prejudicial interest, whether a Member had to withdraw from the room or retire to the public gallery. The Committee agreed that it was their view the Member concerned should retired from the room entirely. This was to ensure no undue influence on the decision making process.

Finally the Head of Legal Services proposed that Dispensations would be determined by the future Standards Committee. A Member commented that as meetings of the Committee were not frequent, it was important to use urgent non-executive actions to determine where necessary.

At the conclusion of the meeting, the Chairman thanked Members and Officers for the input and guidance provided during the Committee's existence in its current form. A Member of the Committee returned thanks to the Chair and other Independent Members thanking them for bringing independence and honesty to the role.

Resolved to RECOMMEND (to Council): That

- (1) the Code of Conduct for Councillors as contained in appendix 1 to these minutes be agreed;

- (2) the Procedure for dealing with complaints as contained in appendix 2 to these minutes be agreed;
- (3) the arrangements for the appointment of Independent Persons and dealing with dispensations be agreed;
- (4) the current Independent Members be appointed as Independent Persons;
- (5) the Independent Persons be remunerated on the same basis as Independent Members;
- (6) a new Standards Committee, with terms of reference contained at appendix 3 to these minutes, be established comprising five elected Members of the Council, appointed proportionally and the Independent Persons as informal advisers to the Committee;
- (7) the Leader of the Council be requested to nominate to the Standards Committee only one Member who is a member of the Executive, excluding the Leader of the Council;
- (8) a Hearing Sub-Committee and Assessment Sub-Committee be established to be sub-committees of the Standards Committee, with terms of reference contained at Appendix 4 to these minutes;
- (9) the Assessment Working Group be set up as an informal working group;
- (10) Council delegate authority to the Hearing Sub-Committee to take decisions in respect of a Member who is found in hearing to have failed to comply with the Code of Conduct as listed in this report;
- (11) the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (12) the Monitoring Officer prepare and maintain a new register of members' interests (Once regulations are received) to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
- (13) the Monitoring Officer ensure that all members are informed of their duty to register interests;
- (14) the Code of Conduct includes a provision that members update their Register of Interests within 28 days of a change occurring;
- (15) the Monitoring Officer be instructed upon receipt of the regulations on members' interests to recommend to Council a Standing Order which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which

he/she has a Disclosable Pecuniary Interest, except where he/she is permitted to remain as a result of the grant of a dispensation;

- (16) the Council delegates to the Standards Committee the power to authorise dispensations.

A. CODE OF CONDUCT FOR COUNCILLORS

Background

The Localism Act 2011 requires the Harrow Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. It also requires the Council to adopt a code of the conduct expected of such Members when acting in that capacity.

This Code has been prepared and adopted by Harrow Council

The Council having adopted this Code will, from time to time, revise and replace it as is appropriate but will publicise such changes through its website and otherwise for the information of people living in its area.

Part 1

General provisions

Introduction and interpretation

- 1.1 This Code defines the standards of conduct, which will be required of you and in your relationships with the Council and its Officers. It has been created to embrace the 10 general principles of conduct which are set out in the Appendix.
- 1.2 The Code represents the standard against which the public, fellow Councillors, and the Authority's Standards Committee will judge your conduct. A breach of the Code may also constitute a criminal offence.
- 1.3 You should familiarise yourself with the requirements of this Code. You should regularly review your personal circumstances, particularly when those circumstances change. If in any doubt, you should seek advice from the Authority's Monitoring Officer.
- 1.4
 - (1) This Code applies to you as a member of the Council..
 - (2) You should read this Code together with the general principles set out in the Appendix.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code –

“Co-opted Member” means a person who is not a Member of the Council but who:

- (i) is a member of any committee or sub-committee of the Council, or**

- (ii) **is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council.**

“meeting” means any meeting of -

- (a) the Council ;
- (b) the executive of the Council ;
- (c) any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“Member” includes a co-opted member and an appointed member.

“subject to a pending notification” means a notification made of a disclosable pecuniary interest to the Monitoring Officer which has not yet been entered into the Register of Interests.

Scope

2. (1) You must comply with this Code whenever you **are acting in your capacity as a Member of the Council**

General obligations

3. (1) You must treat others with respect.
- (2) You must not-
- (a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006)
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with the Council’s code of conduct; or

Appendix 1

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council .

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not -

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6.1 (1) You –

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the Council -

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Appendix 1

- 6.2 You may have dealings with the Council on a personal level, for instance as a council tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a Member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a Member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.
- 6.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Council for your use in your duties as a Councillor or a committee member or member of the Executive are used strictly for those duties and for no other purpose.
- 7.1 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) the Council's chief finance officer; or
 - (b) the Council's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
- 7.2 When reaching decisions you should -
- (i) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and
 - (ii) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

Part 3

Registration of Members' Interests

Registration of Members' interests

13. (1) You must, within 28 days of –
- (a) this Code being adopted by the Council or
 - (b) your election or appointment to office (where that is later),

register in the Council's register of members' interests (maintained under details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to the Council's monitoring officer.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to the Council's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability or inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

APPENDIX

THE 10 GENERAL PRINCIPLES OF CONDUCT

Members are reminded of the 10 General Principles of Conduct (as set out below), which govern the conduct of members.

1. **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and Integrity** - Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
6. **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.
8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
10. **Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Code of Conduct for Members

Appendix 1

1 Disclosable Pecuniary Interests

You must -

- 1.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 1.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 1.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 1.4 "Meeting" means any meeting organised by or on behalf of the authority, including –
 - 1.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
 - 1.4.2 any meeting of the Cabinet and any Committee of the Cabinet
 - 1.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 1.4.4 at any briefing by officers; and
 - 1.4.5 at any site visit to do with business of the authority

2 Other Interests

- 2.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 2.2 You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where –
 - 2.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - 2.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close associationand that interest is not a disclosable pecuniary interest.

3 Gifts and Hospitality

- 3.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.
- 3.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

- 3.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

DRAFT Arrangements
for dealing with standards allegations under the
Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct. Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations. Such arrangements must provide for the authority to appoint at least one Independent person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation has been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members.

3 Making a complaint

If you wish to make a complaint, please write or email to –
“The Monitoring Officer”

Civic Centre
PO Box 2
Station Road
Harrow
HA12UH

Or – monitoringofficer@harrow.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct. In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices. Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress.

If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. Your complaint must be made in writing. The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

Appendix 2

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person and taking into account his/her views, take a decision as to whether it merits formal referral to the Assessment Sub-Committee which is a committee of elected members. The Monitoring Officer in consultation with the Independent Person is able to filter out complaints that do not fall within the code of conduct or are considered to be vexatious. If the Monitoring Officer does not use his/her delegated authority then the complaint proceeds to the Assessment Working Group. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. This member will be asked to put their response about your complaint in writing to the Monitoring Officer. If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

If you are willing for your complaint to be dealt with by way of mediation then this option will be given to you if the Monitoring Officer feels that this is appropriate.

If the Monitoring Officer considers that the complaint does fall within the Code and is not vexatious, the matter will be passed to the Assessment Working Group (AWG).

The AWG is an advisory group to Council. The meetings are usually not open to the public. It is chaired by an Independent Person. The Working Group will receive written representations from both parties.

The AWG will consider the complaint and give a view about whether an investigation should take place.

The Monitoring Officer will consider the view of the AWG and will take one of the following decisions:

- that an investigation should not take place, in which case the matter will proceed no further; or
- That the matter should be investigated; or
- Not to exercise his/her power to decide the matter.

If the Monitoring Officer decides not to use his/her delegated powers, the matter will pass to the Assessment Sub-Committee (ASC) which is a sub-committee of the Standards Committee. The ASC will then decide whether the matter should be investigated or whether no further action should be taken.

5 How is the investigation conducted?

The Monitoring Officer will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview. The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview.

Appendix 2

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report in consultation with the IP and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then send the matter for local hearing before the Hearing Sub-Committee.

Local Hearing

The Monitoring Officer will report the Investigating Officer's report to the Hearing Sub-Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. The Committee is a sub-committee of the Standards Committee. Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearing Sub-Committee may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearing Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearing Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearing Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearing Sub-Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearing Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.

Accordingly the Hearings Sub-Committee may –

- Report its findings to Council for information and place them on the Council's website;
- Inform the Group Leader (or in the case of an independent member, Council) of its recommendation that a member be removed from any or all Committees or Sub-Committees, or outside body appointments;
- Inform the Group Leader of any recommendations that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- Remove the member from outside body appointments;
- Instruct the MO to arrange training for the member;
- Where the breach involves inappropriate use of facilities, withdraw such facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- Exclude the member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings; or
- Censure the member for the breach, in which case the MO will be asked to write to the Member and a press report will be issued.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearing Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee, and send a copy to you, to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Sub Committee?

The Hearing Sub-Committee is a Sub-Committee of the Council's Standards Committee. The meetings are held in public. The Standards Committee has decided that it will comprise a maximum of five members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

Appendix 2

The Independent Person is invited to attend all meetings of the Hearings Sub-Committee and his views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.2.1 Spouse or civil partner;
 - 11.2.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.2.3 Grandparent of the other person;
 - 11.2.4 A lineal descendent of a grandparent of the other person;
 - 11.2.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.2.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5;
 - 11.2.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

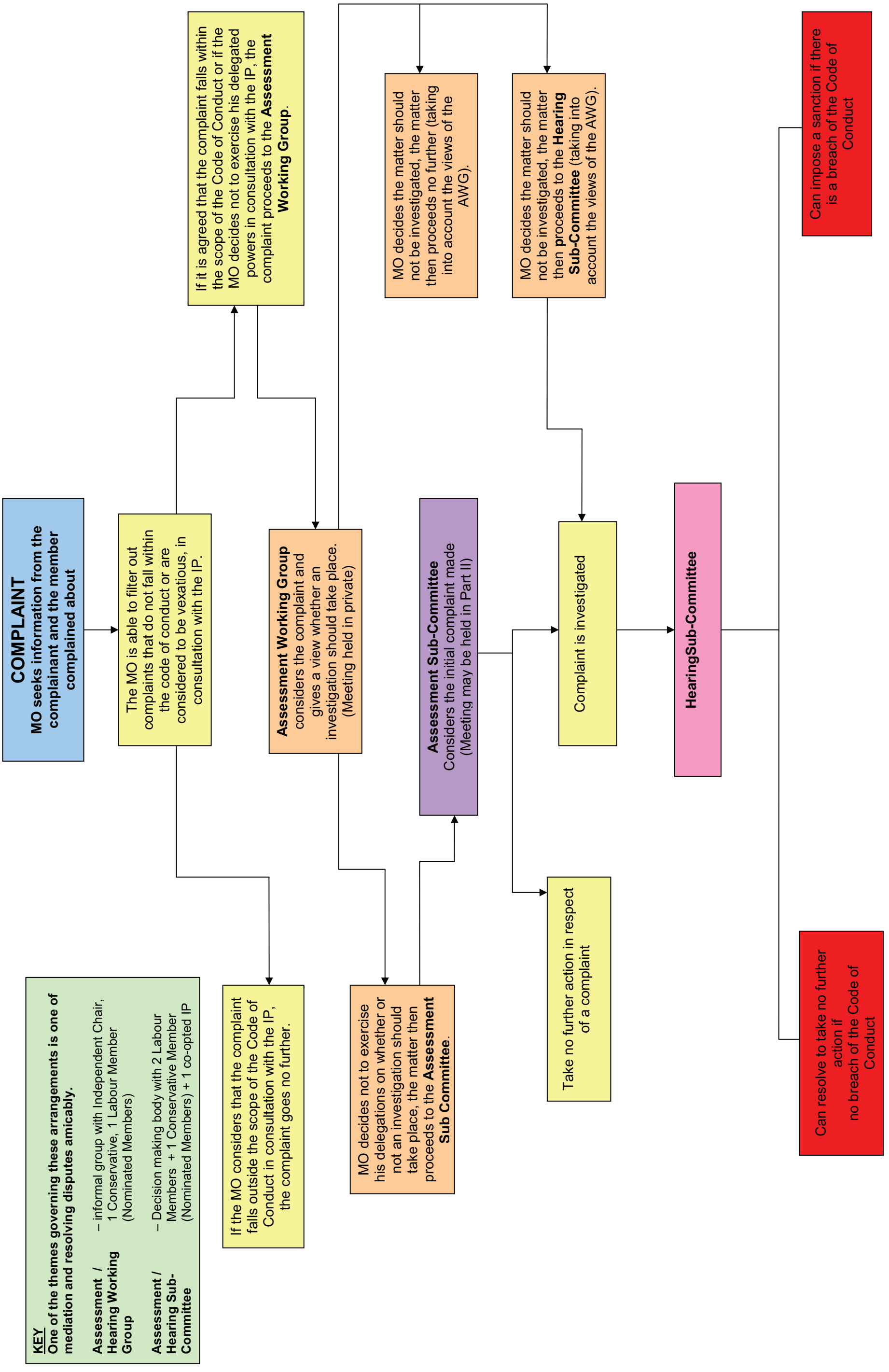
12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearing Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Sub-Committee. If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

NEW STANDARDS ARRANGEMENTS FOR DEALING WITH COMPLAINTS



NEW STANDARDS ARRANGEMENTS FOR DEALING WITH COMPLAINTS

STANDARDS 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;
- (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)
- (o) To establish sub-committees and working groups to deal with complaints that a member or a co-opted member has failed to comply with the Council’s Code of Conduct
- (p) 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.
- (q) 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.

Membership rules:

- i. An Elected Mayor or the Leader may not be Members;
- ii. The Chair of the Committee must not be a Member of the Executive;
- iii. Only one member of the Executive can be a member of the Committee;

ASSESSMENT SUB-COMMITTEE

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

- (a) To receive a referral from the Monitoring Officer in respect of 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 in circumstances where the Monitoring Officer has not exercised his/her delegation to decide:
 - i. To filter out a complaint as being vexatious and/or outside the Code of Conduct; or
 - ii. To investigate a complaint
- (b) Upon receipt of a referral from the Monitoring Officer, the Sub-Committee shall make an assessment of the allegation and shall decide whether the complaint should be filtered out/an investigation should take place in respect of each allegation in accordance with the terms of the referral.
- (c) To decide whether a complaint shall proceed to the Hearing Sub-Committee in circumstances where the complaint has been investigated and the investigating officer has concluded that the member complained about has not breached the Code of Conduct
- (c) The Sub-Committee shall state its reasons for that decision

HEARING SUB-COMMITTEE

The Hearing Sub-committee has the following powers and duties

- (a) To consider allegations 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
- (d) To determine whether or not there has been a breach of the Code of Conduct taking into account the findings and conclusions of the investigation report.
- (e) If the Sub-Committee decides that there has been a breach of the Code of Conduct, to decide that no sanction should be imposed or to impose one of the following sanctions:
 - i. Report its findings to Council for information and place them on the Council's website;
 - ii. Inform the Group Leader (or in the case of an independent member, Council) of its recommendation that a member be removed from any or all Committees or Sub-Committees, or outside body appointments;
 - iii. Inform the Group Leader of any recommendations that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
 - iv. Remove the member from outside body appointments;
 - v. Instruct the MO to arrange training for the member;

- vi. Where the breach involves inappropriate use of facilities, withdraw such facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- vii. Exclude the member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings; or
- viii. Censure the member for the breach, in which case the MO will be asked to write to the Member and a press report will be issued.

COUNCIL
5 JULY 2012

**LICENSING AND GENERAL
PURPOSES COMMITTEE
RECOMMENDATION
(19 JUNE 2012)**

**RECOMMENDATION I: Review of Gambling Policy
(Statement of Principles)**

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LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

19 JUNE 2012

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Husain Akhtar	* Amir Moshenson
* Ramji Chauhan	* John Nickolay
* Mrinal Choudhury	* Phillip O'Dell
* Susan Hall	* Varsha Parmar
* Manji Kara	* Anthony Seymour
* Kairul Kareema Marikar	* Mrs Rekha Shah (1)
* Ajay Maru	* Krishna Suresh

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

RECOMMENDED ITEMS

74. Review of Gambling Policy (Statement of Principles)

An officer presented a report which sought approval of a reviewed Gambling Policy for the Council. The officer reported that the Gambling Commission were currently in the process of consulting on revised statutory guidance relating to the Gambling Policy.

As a result it was expected that there would be changes to the guidance provided by the Gambling Commission by December 2012. Once this was issued, changes to the Gambling Policy would have to take place to reflect the new guidance.

For this reason, it had been proposed to extend the current policy as the current Gambling Policy expired in October 2012. This would mean that the Council would not have to repeat a consultation process on any new policy

only a few months apart. The Council had written to the responsible authorities detailing this proposal and had received no comments of objection.

During the discussion on this item, Members raised a number of queries, which the officer responded to as follows:

- Operators were not required to pay a fee as a result of the renewal of the Gambling Policy. They were only required to pay the current applicable Licensing fees. The Council had to operate within this financial boundary.
- There had been an increase in the number of betting shops in the borough. It was believed that this was a result of new legislation. Discussions were currently ongoing as to whether the Council could implement Cumulative Impact Zones which would prevent new betting shops being opened within a particular area if problems were being encountered.
- There was an appetite amongst the public for engaging in consultations on the Gambling Policy.

During the discussion on this item, Members made a number of comments which included the following:

- It was sensible to renew the current policy until the statutory guidance was changed and was more efficient in terms of no duplication of a consultation process.
- The Cumulative Impact Zones were welcomed and was a positive initiative.
- There was disappointment that there had been no comments by the Responsible Authorities to the proposal by officers.
- It was wise to ensure that where the Policy referred to careful consideration of applications which were close to Sunday Schools, this did not simply apply to Churches but also to other places of worship such as temples, mosques and synagogues.

Resolved to RECOMMEND: (to Council)

That the Gambling Policy, as enclosed at appendix 1 to the minutes, be approved and adopted.

(Note: The meeting, having commenced at 7.40 pm, closed at 7.57 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman

HARROW COUNCIL'S STATEMENT OF PRINCIPLES under Gambling Act 2005

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PART A

1. Introduction

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of the Licensing Policy which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years.

This Statement of Licensing Policy for premises authorised for gambling sets out the issues which the Licensing Authority will take into consideration when determining the grant of Premises Licences and other permissions and it covers licensed premises throughout the London Borough of Harrow. This Statement of Licensing Policy sets out those matters that will normally be taken into account when considering applications under the Gambling Act 2005 and also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.

2. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

3. Authorised Activities

Gambling is defined in the Act as either gaming, betting or taking part in a lottery:

- (a) Gaming means playing a game of chance for a prize
- (b) Betting means making or accepting a bet on:
 - (i) the outcome of a race, competition, or any other event or process,
 - (ii) the likelihood of anything occurring or not occurring, or
 - (iii) whether anything is or is not true.

- (c) A Lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating, only equal chance gaming takes place, and it does not occur in a place to which the public have access.

4. Consultation

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

In preparing this Policy (or any revision thereafter), the Licensing Authority has (and will) consult with persons representing the interests of persons carrying on gambling businesses within the borough and with interested parties who represent the interest of persons who are likely to be affected by gambling.

Harrow Council has carried out a consultation exercise upon this statement before it is finalised and published. The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

This licensing authority has consulted:

- The Chief Officer of Police
- Social Services
- Trade Associations
- Residents Associations
- All existing licensed premises under the Gambling Act 2005
- All 'on' licensed premises under the Licensing Act 2003
- All other interested businesses such as takeaway shops, taxi offices.

Our consultation took place between 18th May 2009 and 7th August 2009 and we followed the Revised Code of Practice (which came into effect in April 2004), the best practice guidance as set out by the Department for Business, Enterprise and Regulatory Reform and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>
www.berr.gov.uk

The full list of comments received and the consideration by the Council of those comments are available on request by contacting the Licensing Service via the Council's website at: www.harrow.gov.uk/licensing or in writing to Licensing Service, Harrow Council, P O Box 18, Station Road, Harrow, HA1 2UT or emailing licensing@harrow.gov.uk

Should you have any comments as regards this policy statement please send them via e-mail or letter to the contact details specified as above.

5. Declaration

In producing this final statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

6. Responsible Authorities

Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:

- (a) A licensing authority in England and Wales in whose area the premises is wholly/partly situated;
- (b) The Gambling Commission;
- (c) The chief officer of police/chief constable for the area in which the premises is wholly or partially situated;
- (d) The fire and rescue authority for the same area;
- (e) (i) In England and Wales, the local planning authority; or
(ii) In Scotland, the planning authority;
- (f) The council constituted under section 2 of the Local Government etc (Scotland) Act 1994 (c.39) for an area in which the premises are wholly or partly situated;
- (g) An authority which has functions by virtue of enactment in relation to minimising or preventing the risk of pollution of the environment or of harm to human health in area in which the premises are wholly or partly situated;
- (h) A body, designated in writing by the licensing authority as competent to advise the authority about the protection of children from harm;
- (i) HM's Commissioners of Customs and Excise; and
- (j) Any other person prescribed in regulations by the Secretary of State.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- That this body is experienced in dealing with the protection of children

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board (please

contact Mr Steve Spurr, Snr Child Protection Co-ordinator, Civic Centre Civic 1 2nd Floor East Wing, Station Road, Harrow, HA1 2UT) for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.harrow.gov.uk/licensing

7. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. These principles are:

- Each case will be decided upon its merits.
- This authority will not apply a rigid rule to its decision making.
- This Authority will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- The Gambling Commission has recommended that licensing authorities state whom they consider falls within the category of those that represent persons living close to the premises, or have business interests that may be affected by it and such persons can include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 6.25 & 8.17).

- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested party will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or represents a person that has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation should be sufficient.

If individuals wish to approach councillors to ask them to represent them then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Authority.

This Licensing Authority will take into account the following factors when interpreting 'sufficiently close':

- Size of the premises
- Nature of the premises
- Distance of the premises from the location of the person making the representation
- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment;

This list is not exhaustive.

This Licensing Authority will take into account the following factors when determining whether an individual is a person with a 'business interest that might be affected':

- Size of the premises
- The 'catchment' area of the premises (i.e. how far people travel to visit);
- Whether the person making the representation has business interests in that catchment area that might be affected.
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

This list is not exhaustive.

8. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provisions of the Data Protection Act and Freedom of Information Act. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

This Licensing Authority confirms that it will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation. The Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required, and understands that the Licensing Authority will have a key role in providing information to the Gambling Commission and will provide information to the Commission to assist it in carrying out its functions.

The Licensing Authority will work closely with the Gambling Commission, Local Police Enforcement in Harrow and with other Responsible Authorities where there is a need to determine whether there is a need for information on specific premises and in order to target agreed problem and high risk premises that require greater attention.

9. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and its own Enforcement Policy will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the licence and other permissions which it authorises and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the operating and personal licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but information will be passed on to the Gambling Commission where such concerns are found.

In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- i) Article 1, Protocol 1 – peaceful enjoyment of possessions.
- ii) Article 6 – right to a fair hearing
- iii) Article 8 – respect for private and family life
- iv) Article 10 – right to freedom of expression

Any decision to instigate legal proceedings and the subsequent management of our criminal cases will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This licensing authority has signed up to the Enforcement Concordat agreement which can be accessed via their website:

<http://www.berr.gov.uk/whatwedo/bre/inspection-enforcement/implementing-principles/regulatory-compliance-code/enforcement/page46822.html> or by contacting the Licensing Department, Harrow Council at licensing@harrow.gov.uk

10. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Licence premises for gambling activities
- Consider notices given for the temporary use of premises for gambling
- Grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider occasional use notices for betting at tracks
- Register small societies' lotteries
- Maintain a Register in the prescribed form as required under section 156 Gambling Act 2005.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

This licensing authority resolved on 11th December 2006, not to issue casino premises licences pursuant to s166 Gambling Act 2005. This resolution will lapse after three years. It is proposed to continue this resolution and if approved the resolution will continue for a further three years from the date of approval¹.

1. General Principles

Premises Licences authorise the provision of gambling facilities on the following:

- Adult Gaming Centres (for Category B3, B4, C and D machines)
- Family Entertainment Centres (for Category C and D machines). The Licensing Authority may also issue Family Entertainment Centres Gaming Machine Permits that authorise the use of Category D machines only).
- Casino Premises
- Bingo Premises
- Betting Premises, including race tracks used by betting intermediaries

¹ This wording will be amended when a determination on the reaffirmation on the resolution has been made.

Except in the case of race tracks (where the occupier may not be the person offering gambling), Premises Licenses will only be issued to people with the relevant Operating Licences.

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority when considering applications will not take into account whether or not there is an unfulfilled demand for gambling facilities within the borough of Harrow. Every application for a Premises Licence made to the Licensing Authority will be considered on its merits and will be treated fairly and objectively in accordance with the three Licensing Objectives. The Licensing Authority will consult with responsible authorities on all applications.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission ;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below).

In considering applications and in making any decisions, the Licensing Authority will take into account the Human Rights Act, in particular Articles 1, 6, 8 and 10.

Definition of "premises" - Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. But there is no reason in principle why a single building cannot to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

Whether different parts of a building can properly be regarded as separate premises will depend on the circumstances and the suitability of the division and this is a matter for discussion between the operator and the licensing authority. The crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence and are not an artificially created part of what is readily identifiable as a single premise.

In determining whether two or more premises are truly separate, the licensing authority will consider all the circumstances of the particular case; these may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone

else?

- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Where there are issues about the sub-division of a single building or plot, the licensing authority will ensure that mandatory conditions relating to access between premises are observed. The broad principle is that there can be no access from one licensed premises to another, except between premises which allow access to those under the age of 18 and with the further exceptions that licensed betting premises may be accessed from other licensed betting premises. There is no definition of 'direct access' in the Act or Regulations.

Section 152 of the Act means that different premise licences cannot apply in respect of a single premise at different times. There is no temporal element to a premises licence. Therefore, a premise could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

When determining the location of proposed gambling facilities, the Licensing Authority in appropriate circumstances, will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:

- Proximity of premises to local schools
- Proximity of premises to centres that pose a high risk to vulnerable and young persons
- Proximity of premises to residential areas where there is a high concentration of children and young people
- Proximity of premises to places of worship, particularly where Sunday Schools are in operation

This list is not exhaustive and each case will be determined on its merits.

Duplication with other regulatory regimes - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).

According to mandatory and default conditions relating to gambling premises that admit under 18's, any area where category B or C gaming machines are located must be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designated for that purpose
- supervised at all times to ensure that under 18's do not enter the area
- arranged in a way that ensures that all parts of the area can be observed

- supervised by either:
 - (a) one or more persons whose responsibilities include ensuring that under 18's do not enter the areas
 - (b) CCTV monitored by one or more persons whose responsibilities include ensuring that under 18's do not enter the areas.

A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category A, B and C machines are on offer in premises to which children are admitted:

- all such machines identified are located in an area of the premises which is

separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only persons over 18 years of age are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions, which the Licensing Authority cannot attach to premises licenses which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated and
- conditions in relation to stakes, fees, winning or prizes

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate. If Door Supervisors are required, they must hold a valid SIA registration.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

Gaming Machines – The Gambling Commission is responsible for licensing manufacturers and suppliers of gaming machines and advises operators to obtain machines from Commission-licensed suppliers. Permit holder and those applying for

permits for clubs, alcohol licensed premises or family entertainment centres will also be advised through Commission Guidance to obtain gaming machines from Commission-licensed suppliers.

Section 172 of the Act prescribes the number and category of gaming machines that are permitted in each type of a gambling premises licensed by authorities. Neither the Gambling Commission nor the licensing authority has the power to set different limits or further expand or restrict the categories of machine that are permitted (with the exception of alcohol-licensed premises holding gaming permits where authorities have discretion to specify the number of permitted gaming machines).

Section 235 of the Act sets out the definition of a gaming machine and details exemptions for equipment that is not to be considered a gaming machine even though gambling can be performed on it. It should be noted that there remains a distinction between skill machines and gaming machines in that skill machines are unregulated.

In determining whether a machine is a gaming machine or a skill machine, this licensing authority will apply BACTA's Code of Practice for Skill with Prize (SWP) Machines. Therefore a machine will be regarded as Skill with Prize Machine (SWP) if the following criteria are met:

- The game must not be a game of chance as defined by section 6 of the Gambling Act 2005
- In non-licensed premises where children have access, the machine should not exhibit casino style games or have the appearance of a gaming machine
- Descriptions associated with gaming machines such as "jackpot" should be avoided
- The maximum prize available in a single game must not exceed £50 in cash (or non monetary prize). This does not apply to tournament games
- All games should be designed and operated to be fair to customers and rules should be available for view prior to a game commencing.

Where a machine does not meet the above criteria to be an SWP machine, the licensing authority may utilise its powers under s317 Gambling Act 2005, to remove the machines from the premises and bring legal proceedings under s242 Gambling Act 2005.

2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of provision of information leaflets / helpline numbers for organisations such as GamCare.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

Potential licence applicants should note that a 'no-casino' resolution has been passed by this authority on 11th December 2006 and currently no applications for casino premises licences will be considered. It is proposed to continue this resolution and if approved the resolution will continue for a further three years from the date of approval².

5. Bingo premises

The licensing authority will need to be satisfied that bingo can be played in any bingo

² This wording will be amended when a determination on the reaffirmation on the resolution has been made.

premises for which they issue a premises licence. This is a particularly relevant consideration where the operator of an existing bingo premises licence applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if any category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

6. Betting premises

Whilst it is recognised that betting premises are permitted to offer gaming machines, including B2 gaming machines, betting should be the primary element of the gambling facilities being offered to customers in such premises. A betting premises licence authorises premises to be used for the 'provision of facilities for betting'. The ability to make up to four gaming machines within category B2 - D available is an additional authorisation conferred upon the holder of a betting premises licence; it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the

licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-baring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8. Travelling Fairs

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs no more than 27 days per calendar. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

Travelling fairs do not require a permit to provide gaming machines and can provide an unlimited number of Category D gaming machines provided that:

- The machines are operated in compliance with all relevant legal requirements
- The facilities for gambling are no more than ancillary amusement at the fair

9. Provisional Statements

Applicants for premises licence must fulfil certain criteria – they must hold or have applied for an operating licence (except in the case of tracks) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.

Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence (either for a different type of gambling or the same type).

The process for considering an application for a provisional statement is the same as that for a premises licence application. Once the premises are constructed, altered or acquired the holder of a provisional statement may apply for the necessary premises licence. If a provisional statement has been granted, the licensing authority is

constrained in the matters is can consider when a premises licence application is made in respect of the same premises. No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage
- (b) which is in the authority's opinion reflect a change in the operator's circumstances
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the licensing authority will discuss any concerns they have with the applicant before making a decision.

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

11. Appeals

There is a right of appeal by the applicant, should the Licensing Authority reject an application, similarly there is a right of appeal by a person who made representations or the applicant should the authority grant an application This appeal must be lodged within a period of 21 days from the day on which the applicant (i.e. person bringing the appeal) was notified by the Licensing Authority of the decision and must be made to the Magistrates' Court.

The Magistrates' Court may take into account the Licensing Authority's Licensing Policy, Gambling Commission's Guidance, any relevant Codes of Practice and the licensing objectives (after hearing the evidence).

PART C

Permits / Small Society Lotteries / Temporary & Occasional Use Notice

Permits are required when premises provide a gambling facility but either the stakes and

prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in specified premises.

There are four classes of gaming machines: Categories A, B, C and D with category B further divided into sub-categories B1, B2, B3, B3A and B4.

A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill.

The Act introduces a range of permits for gambling which are granted by licensing authorities. Forms of authorisations other than Premises Licenses are as follows:

- Unlicensed Family Entertainment Centres
- Gaming machines on alcohol-licensed premises
- Club Gaming Machines
- Club Gaming
- Prize Gaming

The licensing authority may only grant or reject an application for a permit. No conditions may be attached to a permit.

In addition, licensing authorities are responsible for receiving, from holders of alcohol-licensed premises (under the Licensing Act 2003) notifications that they intend to exercise their automatic entitlement to two gaming machines in their premises under section 282 of the Act.

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 Para 7)

Unlicensed Family Entertainment Centres (FECs) are able to offer only category D gaming machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

An application to this licensing authority should be accompanied by the appropriate fee, plan of the premises, premises' risk assessment, proof of applicant's date and place of birth and proof of address (if an individual) or if a company, the registered company's number and details.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule

- 7 of the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes.

The licensing authority is not limited to these considerations and will determine each application on its merits.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Premises licensed to sell alcohol for consumption on the premises have an automatic entitlement to make available for use up to two gaming machines of categories C or D. The premises merely need to notify the licensing authority of their intention to utilise their automatic entitlement; the licensing authority has no discretion to consider the notification or turn it down. However, the licensing authority can remove the automatic authorisation by making an order under section 284 of the Act in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to make available for use more than two gaming machines, a licensed premises gaming machine permit must be obtained from the licensing authority. An application can only be made by the holder of the 'on-premises' alcohol licence (under the Licensing Act 2003) for the premises for which the application is made.

The licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

Holders of alcohol-licensed premises gaming machines permits are required to comply

with the Code of Practice drawn up by the Gambling Commission on the location and operation of machines.

With effect from 1st September 2007, all old 'section 34' permits issued under the Gaming Act 1968 were renamed 'alcohol-licensed premises gaming machine permits'. Where the holder of a premises licence under the Licensing Act 2003 applies to transfer that licence, he must also transfer any alcohol-licensed premises permit held in respect of the same premises. It is the new premises licence holder's responsibility to undertake this transfer. Failure to transfer the alcohol licensed gaming machine permit may result in prosecution under s242 Gambling Act 2005.

The licensing authority may cancel an alcohol-licensed premises permit in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit, the licensing authority will give the permit holder 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the authority cancels the permit, the cancellation does take effect until the period for appealing against that decision has elapsed or until the appeal is determined.

The authority may also cancel a permit if the holder fails to pay the annual fee unless failure is the result of an administrative error.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

A prize gaming permit is issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises. An application for a prize gaming permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application cannot be made if a premises licence or club gaming permit is in effect for the same premises.

An application to this licensing authority should be accompanied by the appropriate fee, plan of the premises, premises' risk assessment, proof of applicant's date and place of birth and proof of address (if an individual) or if a company, the registered company's number and details.

This licensing authority will also require the applicant to demonstrate that:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;

- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Clubs Gaming machines permit. Commercial Clubs may only apply for a Club Machine permit.

A Club Gaming Permit will enable the premises to provide up to three gaming machines (categories B, C or D), equal chance gaming and games of chance as set out in the regulations issued by the Secretary of State. A Club Gaming machine permit will enable the premises to provide up to three gaming machines of category B, C or D.

The Guidance also makes it clear that before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18. In making an assessment on whether a club is a members' club, miners' welfare institute or a commercial club, the licensing authority will utilise the definitions of each as set out in the Licensing Act 2003.

An application to this licensing authority should be accompanied by the appropriate fee, plan of the premises, premises' risk assessment, proof of applicant's date and place of birth and proof of address (if an individual) or if a company, the registered company's number and details.

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years;
- an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" as the club or institute will already have been through a licensing process in relation to its club premises certificate under the Licensing Act 2003.

The grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with the Gambling Commission's Code of Practice about the location and operation of gaming machines.

5. Small Society Lotteries

The Gambling Act 2005 repeals the Lotteries and Amusements Act 1976. Local Authorities are now responsible for registering societies to run small society lotteries. As the Act gives the same definition to 'local authority' and 'licensing authority', this policy will refer to the 'licensing authority' as per the Gambling Commission guidance.

Promoting or facilitating a lottery will fall within 2 categories, and unless it does so, will be illegal:

- (a) Licensed Lotteries (requiring an Operating Licence from the Gambling Commission)
- (b) Exempt Lotteries (registered by the Licensing Authority)

Exempt Lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- (a) Small Society Lotteries;
- (b) Incidental Non-Commercial Lotteries;
- (c) Private Lotteries;
- (d) Private Society Lotteries;
- (e) Work Lottery;
- (f) Residents' Lottery;
- (g) Customer Lotteries;

Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category, and therefore registered by the Licensing Authority, because their proceeds are below specified levels.

Applicants seeking to register as a Small Society Lottery must apply to the Licensing Authority in the area where their principal office is located.

Lotteries are regulated through a licensing and registration scheme, conditions imposed on licences, Gambling Commission's Code of Practice and Guidance. In exercising its function with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.

The Licensing Authority will require applicants who seek to register as a Small Society Lottery to set out the purpose for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information or confirmation from the Society.

6. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

7. Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

COUNCIL
5 JULY 2012

CABINET RECOMMENDATION
(20 JUNE 2012)

RECOMMENDATION I: **Harrow and Wealdstone Area
Action Plan: Pre-Submission
Consultation Document**

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CABINET MINUTES

20 JUNE 2012

Chairman:	* Councillor Bill Stephenson	
Councillors:	† Bob Currie	* Thaya Idaikkadar
	* Margaret Davine	† Phillip O'Dell
	* Keith Ferry	* David Perry
	* Brian Gate	* Sachin Shah
	* Graham Henson	
In attendance: (Councillors)	* Marilyn Ashton	Minute 430
	* Susan Hall	Minute 430
	* Barry Macleod-Cullinane	Minute 430
	* Paul Osborn	Minute 430

- * Denotes Member present
- † Denotes apologies received

RECOMMENDED ITEMS

438. Key Decision - Harrow and Wealdstone Area Action Plan: Pre-Submission Consultation Document

The Portfolio Holder for Planning and Regeneration introduced the report, setting out a summary of the comments made to consultation on the Preferred Option document in January 2012 and the changes that had been made to prepare it for pre-submission consultation and submission to the Planning Inspectorate for Examination in Public. The Portfolio Holder added that consultation was a legislative requirement and would allow the public to engage formally with the Council on the Plan and comment on the soundness of the policies.

Resolved to RECOMMEND: (to Council)

That

- (1) having reviewed and commented on the pre-submission version of the Harrow and Wealdstone Area Action Plan, annexed at Appendix A, to the report, the Harrow and Wealdstone Area Action Plan be approved for a six week pre-submission consultation;
- (2) the Divisional Director of Planning, in consultation with the Portfolio Holder for Planning and Regeneration, be authorised to make minor changes to the Harrow and Wealdstone Area Action Plan resulting from the pre-submission consultation, prior to its submission to the Secretary of State for Examination in Public.

Reason for Decision: To progress production of the Harrow and Wealdstone Area Action Plan in accordance with the adopted Local Development Scheme (LDS).

(Note: The meeting, having commenced at 7.30 pm, closed at 9.51 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

COUNCIL
5 JULY 2012

CABINET RECOMMENDATION
(20 JUNE 2012)

RECOMMENDATION II: **Pre-Submission Development
Management Policies DPD**

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CABINET MINUTES

20 JUNE 2012

Chairman:	* Councillor Bill Stephenson	
Councillors:	† Bob Currie	* Thaya Idaikkadar
	* Margaret Davine	† Phillip O'Dell
	* Keith Ferry	* David Perry
	* Brian Gate	* Sachin Shah
	* Graham Henson	
In attendance: (Councillors)	* Marilyn Ashton	Minute 430
	* Susan Hall	Minute 430
	* Barry Macleod-Cullinane	Minute 430
	* Paul Osborn	Minute 430

- * Denotes Member present
- † Denotes apologies received

RECOMMENDED ITEMS

437. Key Decision - Pre-Submission Development Management Policies DPD

The Portfolio Holder for Planning and Regeneration introduced the report, setting out a summary of the changes that had been made to the Development Management Policies Development Plan Document (DPD) for pre-submission consultation and submission to the Planning Inspectorate for Examination in Public. The Portfolio Holder added that consultation was a legislative requirement and would allow the public to engage formally with the Council on the Plan.

Resolved to RECOMMEND: (to Council)

That

- (1) the Development Management Policies DPD be agreed for pre-submission consultation;
- (2) the Portfolio Holder for Planning and Regeneration be authorised to approve any changes to the Development Management Policies DPD that are required, in response the pre-submission consultation, prior to submission to the Planning Inspectorate for Examination in Public.

Reason for Decision: To progress production of the Development Management Policies DPD in accordance with the adopted Local Development Scheme.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.51 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

COUNCIL
5 JULY 2012

CABINET RECOMMENDATION
(20 JUNE 2012)

RECOMMENDATION III: **Pre-Submission Site**
 Allocations DPD

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CABINET MINUTES

20 JUNE 2012

Chairman:	* Councillor Bill Stephenson	
Councillors:	† Bob Currie	* Thaya Idaikkadar
	* Margaret Davine	† Phillip O'Dell
	* Keith Ferry	* David Perry
	* Brian Gate	* Sachin Shah
	* Graham Henson	
In attendance: (Councillors)	* Marilyn Ashton	Minute 430
	* Susan Hall	Minute 430
	* Barry Macleod-Cullinane	Minute 430
	* Paul Osborn	Minute 430

- * Denotes Member present
- † Denotes apologies received

RECOMMENDED ITEMS

436. Key Decision - Pre-Submission Site Allocations DPD

The Portfolio Holder for Planning and Regeneration introduced the report, setting out the changes that had been made to the Site Allocations Development Plan Document (DPD) for pre-submission consultation and submission to the Planning Inspectorate for Examination in Public. The Portfolio Holder added that consultation was a legislative requirement and would allow the public to provide a challenge on the Plan.

Resolved to RECOMMEND: (to Council)

That

- (1) the Site Allocations DPD be agreed for pre-submission consultation;

- (2) the Portfolio Holder for Planning and Regeneration be authorised to approve any changes to the Site Allocations DPD that are required, in response to the pre-submission, consultation and prior to submission to the Planning Inspectorate for Examination in Public.

Reason for Recommendation: To progress production of the Site Allocations DPD in accordance with the adopted Local Development Scheme.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.51 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

COUNCIL
5 JULY 2012

CABINET RECOMMENDATION
(20 JUNE 2012)

RECOMMENDATION IV: **Revised Proposed West
London Waste Plan: Pre-
Submission Consultation
Document**

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CABINET MINUTES

20 JUNE 2012

Chairman:	* Councillor Bill Stephenson	
Councillors:	† Bob Currie	* Thaya Idaikkadar
	* Margaret Davine	† Phillip O'Dell
	* Keith Ferry	* David Perry
	* Brian Gate	* Sachin Shah
	* Graham Henson	
In attendance: (Councillors)	* Marilyn Ashton	Minute 430
	* Susan Hall	Minute 430
	* Barry Macleod-Cullinane	Minute 430
	* Paul Osborn	Minute 430

- * Denotes Member present
- † Denotes apologies received

RECOMMENDED ITEMS

439. Key Decision - Revised Proposed West London Waste Plan: Pre-Submission Consultation Document

The Portfolio Holder for Planning and Regeneration introduced the report which, following discussions amongst the partner boroughs, sought agreement to a revised site designation to Harrow's Deport site that would help overcome the Council's concerns in relation to the policy wording of the Plan. He added that the outcome of the revision would result in a reduced site area being proposed for waste management of 1.83 hectares and, overall, this would reduce the total site area identified in the WLWP to 27.54 hectares.

The Portfolio Holder added that, following public consultation and an assessment of the responses received, including further evidence based

research, the draft WLWP would be reported back to Cabinet and Council for further approval to submit the draft WLWP with any further proposed changes to the Secretary of State for formal examination.

Resolved to RECOMMEND: (to Council):

That

- (1) the West London Waste Plan: Pre-Submission Consultation document, at Appendix A to the report, be approved including the revision to the Harrow Council Depot site designation;
- (2) the revised West London Waste Plan: Pre-Submission Consultation document, at appendix A to the report, and the associated Sustainability Appraisal, be approved for an eight-week public consultation in accordance with the adopted Statement of Community Involvement.

Reason for Decision: To enable the Council to make meaningful progress on the West London Waste Plan (WLWP) in order to meet targets set out in the London Plan 2011 and Planning Policy Statement 10, which is still extant.

To provide, in due course, an up-to-date policy framework to assess planning applications for waste management facilities across the six West London boroughs: Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames. Planning applications for waste management facilities would also be assessed by each borough against their individual Local Plans, including local development management policies and any other material considerations.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.51 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

COUNCIL
5 JULY 2012

**OPERATION AND PROVISIONS FOR
CALL-IN AND URGENCY 2011/12**

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REPORT FOR: **COUNCIL**

Date of Meeting:	5 July 2012
Subject:	OPERATION AND PROVISIONS FOR CALL-IN AND URGENCY 2011/12
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Exempt:	No
Enclosures:	None

SECTION 1 – SUMMARY

RECOMMENDATION:

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

SECTION 2 – REPORT

Background

- 2.1 In accordance with the Council's Committee Procedure Rules, Members are required to consider the operation of the provisions for call-in and urgency on an annual basis and a report submitted with proposals for review if necessary.
- 2.2 Call-in is the process whereby a decision of the Cabinet, Portfolio Holder or officer (when taking a key decision) taken but not implemented may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive re-consider the decision.

- 2.3 Six Members of the Council can call in a decision of the Executive, which has been taken but not implemented. In relation to Executive decisions on Education matters only the number of Members required to call in a decision which has been made but not implemented shall be six Councillors or, in the alternative, six persons comprising representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.
- 2.4 Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the Decision Notice and a decision can only be called in during this period. This does not, however, apply to urgent decisions. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The Chairman of Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 2.5 Call-In of a decision of the Executive, which has been taken but not implemented, may also be invoked by 150 members of the public (defined as anyone registered on the electoral role of the Borough) upon receipt of a signed request setting out the grounds for the Call-In.

Use of Urgency Procedures

- 2.6 The Council Constitution has been in operation since May 2002. During the municipal year 2011/12 there were 2 urgent individual Portfolio Holder decisions (as set out below) and 36 non-urgent Portfolio Holder decisions as at 1st May 2012. The relevant Head of Service is required to confirm urgency in each case.

<u>Date</u>	<u>Subject</u>	<u>Reason for Urgency</u>
10 April 2012	Harrow Council vs Cusack	Notification of intention required by the Supreme Court by 12 April 2012
17 May 2012	Future Organisation of Roxbourne School	To enable statutory proposals to be published and allow a decision to be taken before the end of the academic year thereby ensuring certainty about leadership arrangements for the new academic year in September 2012

2.7 During the municipal year 2011/12, the urgency process has been used on 1 occasion in relation to decisions of Cabinet, the details of which are set out below:-

<u>Date</u>	<u>Subject</u>	<u>Reason for Urgency</u>
Cabinet – 8 March 2012	Wood Farm, Wood Lane, Stanmore - Pear Wood Cottages and Ten Acre Field	Release of capital receipt in 2011/12.

The urgency process has not been used in relation to officer decisions.

2.8 In accordance with the Committee Procedure Rules decisions taken as a matter of urgency have been reported to the next available Council meeting following taking of the decision. The reports to Council have set out the reason for urgency in each case.

Use of Call in procedure

2.9 The Call in Sub-Committee met on 2 occasion during the municipal year 2011/12 and considered the following matters:-

Decision maker	Subject	Date of Call-In Sub-Committee
Cabinet (17 November 2011)	Key Decision - Whitchurch Pavilion and Playing Fields	5 December 2011
Cabinet (9 February 2012)	Key Decision - Transformation Programme Mobile & Flexible Working	28 February 2012

2.10 For Members' information, the Call in Sub-Committee during the period 2002/11 has met as follows:

Municipal Year	Number of occasions Call in Sub-Committee Met	Number of Issues Considered
2002/03	3	7
2003/04	0	0

2004/05	3	4
2005/06	3	4
2006/07	3	16
2007/08	3	4
2008/09	1	1
2009/10	2	2
2010/11	1	1

SECTION 3: CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

Pauline Ferris, Democratic & Electoral Services Manager. Tel: 020 8424 1269.

Background Papers

The Council's Constitution, the Cabinet Minutes as well as all public reports and decision notices are available through the 'Council and Democracy' Page at www.harrow.gov.uk

Council Constitution

Council – 12 May 2005 - operation and provisions for call in and special urgency

Council – various agreed amendments to the Constitution.

COUNCIL
5 JULY 2012

**DECISIONS TAKEN UNDER URGENCY
PROCEDURE BY PORTFOLIO HOLDERS,
LEADER AND DEPUTY LEADER, AND USE OF
SPECIAL URGENCY PROCEDURE**

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REPORT FOR: COUNCIL

Date of Meeting: 5 July 2012

Subject: **Decisions taken under Urgency Procedure by Portfolio Holders, Leader and Deputy Leader and Use of Special Urgency Procedure**

Responsible Officer: Hugh Peart – Director of Legal and Governance Services

Exempt: No

Enclosures: Appendix A – Decisions taken as a matter of urgency

Section 1 – Summary

This report sets out decisions taken under urgency procedure rules by Cabinet, the Leader and Portfolio Holders, and use of the special urgency procedure since the meeting of the Council on 3 November 2011.

FOR INFORMATION

Section 2 – Report

In accordance with Committee Procedure Rule 47.6 set out in Part 4 of the Council's Constitution, any Executive decisions taken as a matter of urgency are reported to the next available meeting of the Council.

Appendix A sets out those decisions taken as a matter of urgency since the Council meeting held on 3 November 2011.

In accordance with the Access to Information Procedure Rules set out in Part 4 of the Council's Constitution, the use of the Special Urgency procedure in relation to Executive decisions is to be reported quarterly to Council.

The Special Urgency procedure has not been used since the Council meeting held on 3 November 2011.

Section 3 – Further Information

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

Where decisions were deemed urgent, the agreement of the Chairman of the Overview and Scrutiny Committee was obtained that the decision would not be subject to the Call-in procedure.

Section 4 – Financial Implications

As per the individual reports to Cabinet, the Leader and Portfolio Holders.

Section 5 – Corporate Priorities

Corporate priorities are included in the individual reports to Cabinet, the Leader and Portfolio Holders.

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 22 June 2012		

Section 6 - Contact Details and Background Papers

Contact:

Daksha Ghelani, Senior Democratic Services Officer

Tel: 020 8424 1881

E-mail: daksha.ghelani@harrow.gov.uk

Background Papers:

Council's Constitution/Portfolio Holder Decision report/Cabinet agenda

APPENDIX A

Urgent Decisions

The following urgent decisions have been taken since Council on 3 November 2011:

Subject	Decision Maker (Portfolio Holder/Leader/Cabinet)	Reason for Urgency
HC v Cusack	Portfolio Holder for Performance, Customer Services and Corporate Services – 10 April 2012 (PHD 032/11)	Notification of intention required by the Supreme Court by 12 April 2012
Future Organisation of Roxbourne School	Portfolio Holder for Schools and Colleges – 17 May 2012 (PHD 036/11)	To enable statutory proposals to be published and allow a decision to be taken before the end of the academic year thereby ensuring certainty about leadership arrangements for the new academic year in September 2012
Wood Farm, Wood Lane, Stanmore - Pear Wood Cottages and Ten Acre Field	Cabinet – 8 March 2012	Release of capital receipt in 2011/12
Decision to Commence Consultation on an appropriate Council Tax Reduction Scheme and to Publish Draft Scheme	Portfolio Holder for Finance – 31 May 2012 (PHD 001/12)	To consult and publish a Draft Scheme and to meet the tight deadlines to put in place a local Scheme by 31/01/13