

Council SUMMONS AND AGENDA

DATE: Thursday 8 November 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 31st October 2012

PRAYERS

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

1. COUNCIL MINUTES (Pages 1 - 82)

That the minutes of the meeting held on 5 July 2012 be taken as read and signed as a correct record.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary 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. APPOINTMENT OF THE LEADER OF THE COUNCIL

To appoint a Leader of the Council.

8. 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.

9. COMMUNITY SAFETY PLAN (Pages 83 - 92)

(A) Community Safety Plan and Strategic Assessment

Recommendation I: Overview and Scrutiny Committee
(20 September 2012)

(B) Community Safety Plan

Recommendation I: Cabinet
(13 September 2012)

10. HARROW COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE (Pages 93 - 96)

Recommendation II: Cabinet
(11 October 2012)

11. CHANGES TO THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 97 - 100)

Recommendation II: Overview and Scrutiny Committee
(20 September 2012)

12. YOUTH JUSTICE PLAN AND YOUTH OFFENDING IMPROVEMENT PLAN FOLLOWING CORE CASE INSPECTION OF YOUTH OFFENDING WORK (Pages 101 - 110)

(A) Youth Justice Plan and Youth Offending Improvement Plan

Recommendation III: Overview and Scrutiny Committee
(24 October 2012)

(B) Youth Justice and Youth Offending Improvement Plan Following Core Case Inspection of Youth Offending Work

Recommendation III: Cabinet
(11 October 2012)

13. 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.

14. 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) **Councillors' Allowances Motion**

To be moved by Councillor Graham Henson and seconded by Councillor Bill Stephenson:

“Council notes that it currently pays the third lowest level of basic allowance to Councillors across London at around three quarters the rate recommended by the London Councils Independent Remuneration Panel.

This Council further notes the agreement signed by the Council and the recognised trade unions on the modernisation of its employment terms and conditions of directly employed staff, and congratulates the Trade Unions and the Council staff on the mature way this agreement has been negotiated.

Council further notes that in future no member of staff will be paid below the London Living Wage, staff will be able to work in a much more flexible and mobile way according to individuals' aspirations and the council's needs, and that all staff will receive an extra day's holiday.

Council further notes that staff paid more than £21,000 have agreed to take a pay cut of 1% cut from 1st January 2013 and the highest paid a cut of 2.5%.

Council fully endorses the commitment made by the former Leader of the Council that any cut in salaries agreed by staff would be matched by an exactly similar measure for councillors' allowances.

Council therefore resolves that from January 1, 2013 the Special Responsibility Allowance (SRA):

- For the Leader should be cut from £31,110 to £30,799 reducing the total remuneration by 1% from 39,270 to 38,959.
- For Portfolio Holders should be cut from £19,890 to £19,690 reducing the total remuneration by 1% from £28,050 to £27,850.”

(2) **Support for Malala Yousafzai Motion**

To be moved by Councillor Graham Henson and seconded by Councillor Bill Stephenson:

“Council notes that the United Nations Declaration of Human Rights states that:

Article 19

(1) Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

This Council wishes to put on record its thanks to the Borough’s teachers and Council staff in the Children, Families & Schools Directorate who have worked relentlessly to ensure that high quality education is available to all children in Harrow regardless of gender. This Council notes that this right to education is not available everywhere.

With the support of the Council and in particular Officers from the Children, Families & Schools Directorate, fifty seven of our schools, including some academies, are working together as full or associate partners of the leading edge Harrow Schools’ Improvement Partnership to collaborate and secure continuing improvement.

The value of partnership & community will continue to work with all our schools to secure an education system that does continuously improve and provide the best possible start for all of Harrow’s young people.

This Council deplores the shooting of Malala Yousafzai

and her friends by the Taliban in Pakistan because they publicly fought for the right of every girl to go to school.

Council resolves to join the international call on all countries to fully implement the United Nations Declaration of Human Rights, in particular, by outlawing discrimination against girls and in line with this fully supports the international campaign to ensure that the world's 61 million out of school children are in education by the end of 2015

This Council instructs the Chief Executive to send messages of support to Malala Yousafzai, an amazing young woman, for her courage and bravery in fighting for the cause which she has championed, Harrow Schools and through the Council's e-bulletins and other means to publicise the 10th November which has been designated as a global day of action for Malala."

(3) **Harrow's Policing Motion**

To be moved by Councillor Navin Shah and seconded by Councillor Bill Stephenson:

"The Council notes and calls for urgent action in respect of the following

Joint Borough Command

The Mayor's Office for Policing and Crime (MOPAC) is promoting the sharing of Borough Commanders between the Boroughs of Harrow and Barnet.

Council is opposed to any such proposal as it would undermine the effectiveness of policing in Harrow and risk the safety of the people of Harrow. The Council urges MOPAC and the Mayor of London to withdraw this proposal.

New Policing Model for Harrow

Council is extremely concerned about the depleted Safer Neighbourhood Teams (SNTs) across in Harrow, the uncertainty of what the new policing model will comprise and the timetable for its implementation.

Safer Neighbourhood Boards (SNB)

Whilst MOPAC consults and puts forward its timetable for implementation of the proposed Safer Neighbourhood Boards, Council deplores the continuing failure to consult with residents on how to communicate and engage with them about local policing matters despite repeated calls to do from the Council itself as well as many other

organisations such as HPCCG.

The Council instructs the Chief Executive to communicate the resolutions above to the Deputy Mayor of Policing and the Mayor of London, the local MPs and the GLA Member for Brent and Harrow.”

(4) Change to Planning Laws and Regulations Motion

To be moved by Councillor Keith Ferry and seconded by Councillor Navin Shah:

“This Council notes with rising concern, the ill thought out reforms to the UK’s planning system, in particular the proposals to enable applicants to avoid local decision making by applying direct to the Secretary of State for planning permission; proposals to allow Planning Inspectors to unilaterally determine affordable housing levels within a development at a time of housing crisis and the changes to permitted development that will enable monster extensions to homes destroying amenity and value without planning permission, the changes of use from offices to residential without the necessary controls to keep employment, or minimum standards to safeguard occupiers or the means to secure necessary contributions to infrastructure such as schools and health.

At a time of unprecedented uncertainty in the development sector, these changes are causing schemes to be delayed, whilst people wait and see, and will give rise to considerable anxiety to local communities being asked to accept new homes and development. Meanwhile, those parties, including Harrow Council, who seek to engage constructively in the realisation of community benefit from new development, are finding the uncertainty compounding, rather than supporting enterprise and growth locally. The proposals run counter to the government’s so called localism agenda and will instead allow important planning outcomes to be determined by Whitehall, rather than locally democratically elected Councillors.

This Council deplores the recent announcement by the Government that permitted development rights will be increased to allow house extensions of up to 8 metres to be built without local authority permission.

This Council agrees with the Local Government Association’s statement that “This policy potentially gives the green light to unsightly and out-of-place development without delivering a big enough boost to the construction industry to justify the potential damage”.

This Council notes that the Mayor of London has stated his opposition to this change in policy.

This Council resolves to oppose this measure and to opt out of the legislation if this is at all possible.

Council instructs the Chief Executive to communicate this motion to the Minister for Communities and Local Government, the Mayor of London, the three Harrow MPs and the GLA member for Brent and Harrow.”

(5) Proposals to Re-organise the Health Service Motion

To be moved by Councillor Bill Stephenson and seconded by Councillor Navin Shah:

“Council notes with great concern the impact on the health of local residents of three major changes of health provision

- The totally under funded transfer of Public Health to the Council, although the transfer of Public Health to the Council is welcome.
- The totally under funded, top down, bureaucratic, centralized, ill-thought out system of GP Commissioning.
- The totally under funded proposals to re-organize hospital and specialist provision in North West London.

Council believes these proposals and the dramatic cuts to and privatisation of NHS services will have serious potential to negatively impact on the most essential care for people of Harrow. The Council is particularly anxious about the detrimental impact the changes would have on the Northwick Park Hospital given that there are no guarantees that any of the proposed changes will be properly funded.

The Council calls on the government to review its proposals so as to maintain the highest levels of medical services.

Council instructs the Chief Executive to write to the Mayor of London, the three Harrow MPs and the Brent and Harrow Assembly member asking them to support Harrow Council and Harrow residents by lobbying the Government to stop deep cuts and erosion of local medical care and services.”

(6) Early Intervention Motion

To be moved by Councillor Victoria Silver and seconded by Councillor Mitzi Green:

“This Council recognises Harrow’s success in Early Intervention with the last Government’s introduction of Sure Start Children’s Centres and commends the current administration’s innovative work.

The Council regards early intervention projects as incredibly important in both giving young children and young families the best start in life and in generating savings to the public sector in the longer-term through reduced levels of demand on public services.

Council notes that:

- the cut in funding this Council is set to receive from the Government’s Early Intervention Grant in 2012/13, particularly in relation to the services it is expected to deliver, and that residents rightly demand.
- the fears that further cuts to Harrow’s early intervention services may jeopardise all the work Harrow has achieved in this area.
- in the future this might mean there being higher levels of crime, reduced levels of educational attainment and extra demand on Harrow’s health services.

Council calls on all political group leaders to write to the Secretary of State to call on him to exempt Harrow from any cuts in its 2013/14 grant, so that Harrow may continue its Early Intervention work as a matter of urgency.”

(7) Children’s Services Motion

To be moved by Councillor Susan Hall and seconded by Councillor Christine Bednell:

“This Council notes with serious concern the findings of recent inspections of Harrow’s Children’s Services.

An OFSTED inspection of Harrow’s safeguarding and children looked after service rated the performance as ‘adequate’, and also judged the capacity to improve as merely ‘adequate’.

The Core Case inspection of Harrow’s Youth Offending Team said that Harrow’s performance was ‘very

disappointing', and recommended 'substantial' or 'drastic' improvement in all areas of the service. This Council notes with additional concern that the Improvement Plan resulting from this inspection has taken over 10 months to produce.

This Council believes that safeguarding and protecting vulnerable children should be a top priority. This Council therefore requests that the portfolio holder for Children, Schools and Families present an update on the progress of both the YOT Improvement Plan before Council tonight, and that relating to the OFSTED report, to all Council and Cabinet meetings for the next 12 months.

Additionally, this Council requests a formal report at the next Cabinet meeting to explain the delay in producing the YOT improvement plan – given the inspection outcome was known in December 2011.”

(8) **London 60+ Card Motion**

To be moved by Councillor Stephen Greek and seconded by Councillor Barry Macleod-Cullinane:

“This Council welcomes the decision made by the Mayor of London to introduce a 60+ Oyster card, reinstating free travel to Londoners over 60. We believe this recognises the hard work and contributions of these individuals to both London generally and to Harrow.

This Council also notes that this fulfils an election manifesto pledge, made by Boris Johnson to bridge the gap in entitlement to free travel for the over 60s, and is encouraged by reports of over 100,000 applications for the new passes – with over 10,000 more becoming eligible each month.

This Council resolves to inform eligible residents of this scheme whenever and wherever reasonably possible.”

[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 therefore stands referred to its next meeting.

It may be moved that such referral should not apply and any procedural motion moved and seconded to that effect shall be voted on without discussion].

15. DECISIONS TAKEN UNDER URGENCY PROCEDURE BY PORTFOLIO HOLDERS, LEADER AND DEPUTY LEADER, AND USE OF SPECIAL URGENCY PROCEDURE (Pages 111 - 116)

Report of the Director of Legal and Governance Services.

16. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL (Pages 117 - 122)

Report of the Director of Legal and Governance Services.

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COUNCIL 8 NOVEMBER 2012

MINUTES

COUNCIL MEETING – 5 JULY 2012

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COUNCIL MINUTES

5 JULY 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
- † Denotes apologies received

PRAYERS

The meeting opened with Prayers offered by Imam Anas Mohamed.

215. Minutes

RESOLVED: That the minutes of the 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.

216. Declarations of Interest

The Mayor invited appropriate declarations of interest.

Item 6 – Public Questions

Councillor Husain Akhtar declared a non-pecuniary interest in that he had formally declared his support for academies and free schools.

Councillor Camilla Bath declared a disclosable pecuniary interest in relation to public questions 7, 8 and 9 that she was the chair of governors for Whitchurch First and Nursery School which was adjacent to the site.

Councillor Amir Moshenson declared a disclosable pecuniary interest in relation to public questions 7, 8 and 9 that he lived adjacent to the Whitchurch Playing Fields.

Item 10 – Review of Gambling Policy (Statement of Principles)

Councillor Simon Williams declared a disclosable pecuniary interest in that he had licensed gaming machines in his bar and nightclub.

Item 11 – Harrow and Wealdstone Area Action Plan: Pre-Submission Consultation Document

Councillor Susan Hall declared a non-pecuniary interest in that she owned a business within Harrow Weald.

Item 12 – Pre-Submission Development Management Policies DPD; Item 13 – Pre-Submission Site Allocations DPD

Councillor Marilyn Ashton declared non-pecuniary interest in that she lived close to the Bentley Priory site and she was a member of the Harrow West Conservative Association whose site was also within the area detailed within the DPD.

Councillors Husain Akhtar, Lurline Champagnie, Kam Chana, Susan Hall, Jean Lammiman, John Nickolay, Joyce Nickolay, Anthony Seymour and Lynda Seymour declared non pecuniary interests in that they were members

of the Harrow West Conservative Association whose site was within the area detailed within the DPD.

Councillor Barry Macleod-Cullinane declared a non-pecuniary interest in that he was a member of the Harrow West Conservative Association whose site was within the area detailed within the DPD. He also owned a property adjacent to Harrow on the Hill and his mother owned a property within one of the site allocations.

Item 12 – Pre-submission Development Management Policies DPD; Item 13 – Pre-Submission Site Allocations DPD; Item 14 – Revised Proposed West London Waste Plan: Pre-Submission Consultation Document

Councillor Thaya Idaikkadar declared a non-pecuniary interest in that he was the Portfolio Holder for Major Contracts and Property.

Item 18(2) – Motion – Negative Impact of Welfare Reforms on Residents

Councillor Sue Anderson declared a non-pecuniary interest in that her family member was in receipt of welfare benefit.

Councillor Nana Asante declared a non-pecuniary interest.

Councillor Susan Hall declared a non-pecuniary interest in that she was a member of the Harrow Association of Disabled People.

Councillor Anthony Seymour declared a non-pecuniary interest in that his sister was in receipt of welfare benefit.

Councillor Lynda Seymour declared a non-pecuniary interest in that her sister in law was in receipt of welfare benefit.

Councillor Yogesh Teli declared a non-pecuniary interest in that his uncle was in receipt of welfare benefit.

Item 18(3) – Motion - Royal Mail

Councillor Graham Henson declared a Disclosable Pecuniary Interest in that he was a former employee of the Royal Mail and was now an employee of Post Office Ltd. In addition to this he had campaigned for universal service obligation.

Item 18(7) – Urgent Motion – Olympics

Councillor Stephen Greek declared a non-pecuniary interest in that he was a member of the London Jewish Forum which had campaigned for a minute's silence to be held at the Olympics.

Councillor Amir Moshenson declared a non-pecuniary interest in that he was an Israeli citizen.

217. Mayor's Announcements

The Mayor requested that Council note the engagements he had undertaken. The Mayor advised that since his appointment, he had attended 89 engagements. The Deputy Mayor had attended 38 engagements and past mayors and the Honorary Alderman had attended 20 engagements between them.

The Mayor also congratulated, on behalf of the Council, those Harrow residents that had been awarded in the recent Queen's Birthday Honours List.

RESOLVED: That the report of the Worshipful the Mayor, as tabled, be received.

218. Procedural Motions

- (i) In accordance with Rules 14.6 and 14.7, the Mayor advised that the Leader of the Opposition, Councillor Susan Hall, had exercised her right that the referral of the Libraries Motion to Cabinet be disapplied. This allowed Council to debate the Motion and offer comments or recommendations to Cabinet.
- (ii) The Mayor announced that he had received notice, within the tabled papers, of cross party amendments in respect of the recommendations arising from Item 9 on the Summons – The Standards Regime. This would be dealt with at the item concerned.
- (iii) The Mayor advised that he had received notice of the withdrawal of Motion 18(4) – Regional and Local Public Sector Pay, from its proposed and seconder.
- (iv) The Mayor announced that he had received notification in the tabled papers of an Urgent Motion, relating to the Olympics. It was agreed to admit the Motion to the business to be transacted at the meeting under the provisions of Rule 14.2.
- (v) The Mayor announced that he had received notice, within the tabled papers, of 2 further amendments in respect of Motions on the Summons. These would be dealt with individually at the items concerned.
- (vi) The Leader of the Council, Councillor Bill Stephenson, rose to move a Procedural Motion that Rule 16.6 be suspended for Motion 18(6) "Libraries" as he believed that any proposed amendment to rectify this would potentially negate it. Upon a vote, the Procedural Motion was carried.

RESOLVED: That

- (1) it be agreed that the Libraries Motion be the final Motion debated by the Council;**

- (2) the cross party amendments tabled in respect of the recommendations arising from Item 9 on the Summons – The Standards Regime be dealt with at the item concerned;
- (3) the withdrawal of Motion 18(4) – Regional and Local Public Sector Pay, be noted;
- (4) the Urgent Motion relating to the Olympics be admitted to the Summons under Rule 14.2 as Item 18(7);
- (5) the 2 further amendments tabled in respect of Motions on the Summons, be dealt with at the Motions concerned;
- (5) Rule 16.6 be suspended for the consideration of Item 18(6) (Motion - Libraries).

219. Petitions

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

- (i) Petition submitted by Councillor Marilyn Ashton containing 23 signatures of residents requesting improvement in the footway on Flecker Close.

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

- (ii) Petition submitted by Councillor Chris Noyce containing 82 signatures of Members and residents expressing their objection to the proposed development situated at 6 The Glen, Pinner, Middlesex, HA5 5AY, Ref: P/1113/12.

[The petition stood referred to the Portfolio Holder for Planning and Regeneration].

- (iii) Petition submitted by Councillor Krishna Suresh containing 61 signatures of residents to bring to the Council's attention problems with local trespassing, fly tipping and antisocial behaviour and for the Councillor to investigate the matter and have a gate installed for the safety of all neighbours at Torbay Road and Malvern Avenue.

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

- (iv) Petition submitted by a resident containing 77 signatures requesting the road on Dudley Gardens and Fielders Close be widened to improve emergency vehicle access.

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

220. Public Questions

In accordance with Rule 11, the questions submitted by members of the public and responded to by Portfolio Holders is contained at Appendix I.

221. Leader's Announcements

The Leader of the Council introduced his report highlighting achievements and proposals since the last ordinary meeting.

At the conclusion of his report, the Leader responded to questions from Members of the Council.

RESOLVED: That the report of the Leader of the Council be received and noted.

222. Scrutiny Annual Report

Further to item 8 on the Summons, Councillor Jerry Miles moved Recommendation I of the Overview and Scrutiny Committee meeting held on 3 April 2012.

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

223. The Standards Regime

(i) Further to item 9 on the Summons, Councillor Paul Osborn rose and moved tabled cross party amendments to the recommendations contained at Recommendation I of the Standards Committee meeting held on 14 June 2012.

(ii) Councillor Graham Henson rose to second the cross party amendments.

(iii) Upon a vote the Recommendations, as amended, were agreed.

RESOLVED: That

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

(2) the Procedure for dealing with complaints as contained in appendix III 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 IV 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 Review Sub-Committee and Assessment Sub-Committee be established to be sub-committees of the Standards Committee, with terms of reference contained at Appendix V to these minutes;**
- (9) the Assessment and Hearing Working Groups be set up as informal working groups;**
- (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 relevant delegations to the Monitoring Officer detailed in the Tabled Documents be agreed;
- (17) the Council delegates to the Standards Committee the power to authorise dispensations.

224. Review of Gambling Policy (Statement of Principles)

Further to item 10 on the Summons, Councillor Mano Dharmarajah moved Recommendation I of the Licensing & General Purposes Committee meeting held on 19 June 2012.

RESOLVED: That the Gambling Policy, as enclosed at Appendix VI to these minutes, be approved and adopted.

225. Harrow & Wealdstone Area Action Plan: Pre-Submission Consultation document

Further to item 11 on the Summons, the Leader of the Council, Councillor Bill Stephenson moved Recommendation I of the Cabinet meeting held on 20 June 2012.

RESOLVED: 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.

226. Pre-Submission Development Management Policies DPD

Further to item 12 on the Summons, the Leader of the Council, Councillor Bill Stephenson moved Recommendation II of the Cabinet meeting held on 20 June 2012.

RESOLVED: 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.

227. Pre-Submission Site Allocations DPD

Further to item 13 on the Summons, the Leader of the Council, Councillor Bill Stephenson moved Recommendation III of the Cabinet meeting held on 20 June 2012.

RESOLVED: 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.**

228. Revised Proposed West London Waste Plan: Pre-Submission Consultation Document

Further to item 14 on the Summons, the Leader of the Council, Councillor Bill Stephenson moved Recommendation IV of the Cabinet meeting held on 20 June 2012.

RESOLVED: 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.**

229. Operation and Provisions for Call-In and Urgency 2011/12

The Council received a report of the Director of Legal and Governance Services providing information in relation to the operation of the Call-in and Urgency procedures during the Municipal Year 2011/12.

RESOLVED: That the report be noted.

230. Amendments to Representatives on Outside Bodies

Item 16 on the Summons provided for the receipt of proposals to amend the representation of the Authority to serve on four Outside Bodies for the remainder of the Municipal Year 2012/13. The nominations of the Groups were notified in the Summons and Tabled Documents.

RESOLVED: That the amendments to representatives of the following Outside Body appointments for the Municipal Year 2012/13, be approved:

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

231. Questions with Notice

In accordance with Rule 12, the questions submitted by Councillors and responded to by Portfolio Holders, are contained at Appendix VII. Responses to those questions which were not reached during the period allowed for questions are also included and were circulated to all Members in written form.

232. Motion - Reinstate the Committee System

- (i) At item 18(1) the Council received a Motion in the names of Councillors James Bond and Chris Noyce in the following terms:

“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."

(ii) The Motion was not carried.

RESOLVED: That the Motion be not adopted.

233. Motion - Negative Impact of Welfare Reform on Residents

(i) At item 18(2) the Council received a Motion in the names of Councillors Sachin Shah and Graham Henson in the following terms:

"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.”

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

RESOLVED: That the substantive Motion be adopted.

234. Motion - Royal Mail

- (i) At item 18(3) the Council received a Motion in the names of Councillors Bill Stephenson and Sue Anderson in the following terms:

“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.

This 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 postcoded 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."
- (ii) During the debate on this item, Councillor Christine Bednell moved a Motion that the question now be put. Upon a vote this Motion was not carried.
- (iii) At the conclusion of the debate and upon a vote, the substantive Motion at (i) was agreed.

RESOLVED: That the substantive Motion be adopted.

235. Motion - Olympics & the Diamond Jubilee Street Parties

- (i) At item 18(5) the Council received a Motion in the names of Councillors Graham Henson and David Perry in the following terms:

"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."

- (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 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 Boris Johnson for overseeing the successful delivery of the Games – on time and under budget - and for providing funds to provide flags and other items to highlight the Olympics.”

(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.

236. Urgent Motion - Olympics

In accordance with Rule 15.2, the Council received an Urgent Motion in the names of Councillors Susan Hall and Barry Macleod-Cullinane in the following terms:

“This Council notes the widespread support – most recently demonstrated by a cross-party motion at the London Assembly – for one minute's silence during the London Olympic Games to mark the 10th Olympiad since and 40th anniversary of the terrorist massacre of Israeli competitors and their coaches during the 1972 Munich Olympics.

This Council instructs the Chief Executive to write to the Mayor of London and the Secretary of State for Culture and the Olympics, asking them to use their influence to ensure an official minute's silence remembrance is observed in the Olympic Park during the Opening or Closing Ceremonies of the London Olympic Games.”

RESOLVED: That the Urgent Motion be adopted.

237. Motion - Libraries

- (i) At item 18(6) the Council received a Motion in the names of Councillors Barry Macleod-Cullinane and Paul Osborn in the following terms:

“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.”

- (ii) Further to the agreement at Minute 218 to suspend Rule 16, an amendment in the names of Councillors David Perry and Sue Anderson, was submitted which sought to amend the Motion as follows:

“This Council believes that party manifestos are a statement of intent which gives Harrow residents a clear indication of what a party intends to do if elected.

This Council notes that the current Labour administration stood for office on numerous manifesto pledges in the 2010 local council elections recognising that “*the superb in-house library service*” in Harrow is a vital resource for our residents, who use its services for enrichment, networking, education and learning.

This Council notes that In order to protect such a valued service in the face of unprecedented government cuts in funding to local Councils, all avenues of potential savings must be explored in order to preserve the service for Harrow residents long into the future.

This Council supports the current Labour administration’s search for a solution which in spite of the unnecessary Government cuts, keeps the spirit of the manifesto pledge by keeping all libraries open and enhancing the library offer for all its users. Council further notes the commitment to retain strategic sovereignty over the direction of the service.

So that trust between the Council and residents can be maintained, this Council urges the Administration to pursue solutions which enable delivery of the intent in the Labour manifesto which is to provide a sustainable, superb library service for the people of Harrow.

This Council instructs the Chief Executive to write to all Harrow’ MPs within the next month to outline this Council’s concern over the future

of our library service being threatened by the Conservative led coalition government funding cuts”.

- (iii) Upon a vote, the amendment at (ii) was carried;
- (iv) Upon a further vote, the substantive Motion, as amended, was agreed for submission to the executive.

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

238. Decisions Taken Under Urgency Procedure by Portfolio Holders, Leader and Deputy Leader and Use of Special Urgency Procedure

The Council received a report of the Director of Legal and Governance Services providing a summary of the urgent decisions taken by Cabinet, the Leader and Portfolio Holders, and the use of the special urgency procedure since the last meeting.

RESOLVED: That the report be noted.

239. Procedure for Termination of Meeting

- (i) At 10.28 pm, during the debate on the Item 18(6) (Motion: Libraries), the Mayor put to the vote a procedural motion under Rule 9.2 that the closure of time for the Council meeting be extended until the completion of all remaining business on the Summons. This proposal was not agreed;
- (ii) at 10.30 pm, in the course of the consideration of Item 18(6) (Motion: Libraries), the Mayor advised that the ‘guillotine’ procedure had come into operation for the determination of the remaining business on the summons and was applied to Items 18(6) (Motion: Libraries) and 19 (Decisions Taken Under the Urgency Procedure by Portfolio Holders, Leader and Deputy Leader and Use of Special Urgency Procedures);
- (iii) during the course of voting on Item 18(6) (Motion: Libraries), several Members rose to request a roll call vote. The Mayor ruled that this request was not valid as it had been sought after the ‘guillotine’ procedure had come into effect.

RESOLVED: That the provisions of Rules 9.2 and 9.3 be applied as set out at (i) and (ii) above.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 10.32 pm).

COUNCIL

5 JULY 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: Fateema Nighat

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

Question: "With regards to on-going issues in the borough of Harrow & Edgware, can the Portfolio Holder for Community Safety use his good offices to encourage police to do their job and protect residents around Chandos Recreational Ground who are living in fear because children & Adults have been threatened, beaten up, a bicycle has been taken at knife point, a gun being has been pulled, without charges being brought against perpetrators?"

Answer: Obviously, it would be highly inappropriate of me at this public meeting to speak about individuals in the community who could be identified by the response. The Council is aware of anti-social behaviour and criminal issues in the localities in and around Chandos Recreation Ground that have been going on for some time.

We have been working collaboratively with the Metropolitan Police Service and other public agencies to deal with these issues using the powers and resources available to us and our partners. Where it has been possible to identify individuals who have been responsible for crime or anti-social behaviour and gather appropriate evidence relating to these matters, firm action has been taken including criminal proceedings and actions under Anti Social Behaviour and Housing legislations. We have also worked to support victims of crime and to offer them support in providing evidence against identified perpetrators. I can assure that we will continue to do this until this issue has been resolved.

Supplemental Question: My question is why is it that there has been nothing done about it? You are saying you are doing something about it but nothing is happening because people are still being attacked.

Supplemental Answer: Obviously this is a very pressing need and I will take it up with the Metropolitan Police Service as soon as possible.

2.

Questioner: Matthew Lloyd

Asked of: Councillor David Perry (Portfolio Holder for Community and Cultural Services)

Question: As a young person, I watch in horror as the community I know comes under attack. The Harrow Conservative Party seems to be only concerned for the short term wealth in society and not for the long term community cohesion. Does the portfolio holder agree with me that we need a council that will stand tall and protect our community services such as our libraries, schools and health care and not gamble them on the short term, opportunistic values that the opposition holds?

Answer: As the Portfolio Holder for Community and Culture and I am happy to, on behalf of the Labour administration to completely agree with you and we are doing exactly as you say in your question. We are protecting frontline services, not only within libraries as you have mentioned but also you refer to schools which Councillor Brian Gate is doing his utmost to protect and also you have mentioned healthcare as well which Councillor Margaret Davine is doing. We are happy to agree with you on that point.

Supplemental Question: So, does the Portfolio Holder, David Perry, also agree with me that it is strong leadership that will allow us to stand tall and if the opposition want to catch up, need to call a leadership election now?

Supplemental Answer: Again, that is an easy question to answer because yes, this Labour administration is showing strong leadership in all areas across this Council. I have recently read your letter about some of the childish behaviour that we have at Cabinet and if that is what the public is seeing from the opposition and seeing that as leadership then I am glad to say that we are different to them to them and we are happy to stand tall for the residents of the borough.

3.

Questioner: Sophie Lloyd

Asked of: Councillor Bob Currie (Portfolio Holder for Housing)
To be responded to by Councillor Brian Gate (Portfolio Holder for Children, Schools and Families)

Question: Does the portfolio holder believe that Harrow needs more facilities for young people?

Written Answer: *Sophie Lloyd did not attend and so a written answer was provided.*

If the question relates to the availability of 'places to go to' for young people, so that they can participate in positive activities, it is important to note that the Council has a wide range of facilities, well spread across the borough.

The Council has sixteen Children's Centres, from Pinner Hill to South Harrow and from Rayners Lane to Edgware. These facilities provide activities for parents and pre-school children during the day and a range of opportunities for adult learning and youth programmes after school and in the evenings.

As part of the new hub and spoke model, discussed in detail at the December Cabinet, they are now being considered for potential use as community resource centres. Each centre publishes its own programme, individually devised to meet local needs.

The Council also runs a range of youth orientated events and activities targeting young people at the Wealdstone Centre, the Harrow Arts Centre, the Beacon Centre and in partnership with Watford Football Club at the newly opened Cedars Youth and Community Centre.

We are also fortunate in Harrow to have a large number of primary and secondary schools with excellent sports, arts and drama facilities, running activities for their own pupils, and the local community, many of these facilities also being available for private hire to outside organisations working with young people. The Council is likely to be supporting programmes running at amongst others, Whitmore, Woodlands, Shaftesbury and Alexander schools during the forthcoming summer holidays.

It is important also not to forget the parks and open spaces across the borough, many of which have good sports and leisure facilities including tennis and basketball courts, and pitches marked out for football, cricket and athletics. During the summer holidays there will be organised activities at the Leisure

Centre, Roger Bannister Sports track and in Harrow Recreation Ground.

The Council is also committed to working closely with local voluntary sector groups, with the aim of encouraging and supporting them to run programmes from their own facilities, these include faith, cultural and locality based organisations, their events and activities being publicised and promoted in the buildings themselves and via the local press.

4.

Questioner: Edward Hughes

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

Question: Will the councillor assure me, they will show strong leadership and endeavour to protect the services for the elderly and vulnerable in Harrow?

Written Answer: *Mr Hughes did not attend and so a written answer will be provided.*

I am committed to protecting the services for the elderly and vulnerable people in Harrow. We have a stable and strong leadership team in Harrow who, whilst they have to make some difficult financial decisions in a time of severe budgetary constraint, are committed to continue to both fund and develop provision that is focused on protecting the most vulnerable of Harrow's residents.

Not only will we protect services as far as possible but we will also continue to provide innovative developments and enhance existing services. A good example is our Helpline and Telecare service, which is currently provided to 8960 people. This year we are extending our Helpline service offer to an increased number of our most vulnerable residents over the age of 75 years, in Harrow.

This follows on from the excellent work on Reablement over the last 18 months. Evidence of the high quality of this service is demonstrated by outcomes including 80% of service users requiring no further intervention following Reablement and a 98% satisfaction rate with the service received.

In addition we continue to extend personalisation, improving choice and control for people in the borough with a social care need. 80% of our clients over the age of 65 years currently have a Personal Budget.

5.

Questioner: Chris Lloyd

Asked of: Councillor Sachin Shah (Portfolio Holder for Finance)

Question: Does the councillor agree with me that it is essential, with rising mortgage rates, rising prices and a rise in VAT, that every other option is explored before raising council tax?

Written Answer: *Mr Lloyd did not attend and so a written answer was provided.*

Thank you for your question. The people of Harrow are hurting due to the double dip recession caused by the policies of this Government. The increase in VAT, which you mention in your question, means that on average every family in Harrow is paying an extra £450 a year in tax. This tax increase is taking money away from some of the poorest people in Harrow.

We must do everything we can to mitigate the government's tax increase on families. That is why this Labour administration has frozen council tax for 2 years.

However times are getting tough for the council. The Government is cutting our grants, which is where we get most of our money from. We have already identified £48m of savings from the council's budget. This is still not enough to fund the shortfall left by the government's unnecessary cuts to local government.

Because of those budget cuts, I can't promise you that we won't increase council tax next year. I can promise, however, that this administration will first make sure we cut out any waste in the council's spending before looking to increase council tax.

6.

Questioner: David Byrne

Asked of: Councillor Bill Stephenson (Leader of the Council and Portfolio Holder for Business Transformation and Communications)
To be responded to by Councillor Bob Currie (Portfolio Holder for Housing)

Question: Does the Councillor agree with me that the direct result of recent Tory policies is an increase on the number of homeless people around Harrow Town centre?

Written Answer: *Mr Byrne did not attend and so a written answer was provided.*

Our last Rough Sleeper count 2 years ago showed no rough

sleepers, but that has changed and there are now often one or two people sleeping rough for a night before we find out and can help them. Rough sleepers are not usually in the Town Centre, so the people you see are probably not homeless. More generally homelessness has risen, and we are assisting about 20% more statutory homeless households than a year ago. Our use of Bed & Breakfast has also gone up from zero about two years ago to 65 households today. This is because of the double dip recession and the overheated housing market. The welfare reform changes are also making it harder to find affordable accommodation in Harrow, and the overall benefit cap will particularly affect large families who are not in employment, from next April. We are increasing the help we offer and the council has been successful in creating housing solutions for single homeless households using DCLG grant as well as developing our well regarded Help2Let scheme for families.

7

Questioner: J Pais

Asked of: Councillor Bill Stephenson (Leader of the Council and Portfolio Holder for Business Transformation and Communications)
To be responded to by Councillor Thaya Idaikkadar (Portfolio Holder for Property and Major Contracts)

Question: The pavilion (Whitchurch Playing Fields and Pavilion) will generate consistent and incessant noise from activities, religious chanting and party music from early morning till late at night, every day without respite only a few meters from the back of our houses. This surely will destroy our sanity, well-being and mental health. Have you even considered what this will do to the immediate neighbours? What binding guarantees will the Council give us that this will not happen?

Answer: I am not quite sure where you getting the religious chanting from. It is not in the application, it was never discussed. Anyway, whilst there is strong interest from user groups and individuals generally within the Borough, the Council has acknowledged that immediately adjacent local residents have understandably raised reasonable concerns regarding the potential impact on their locality.

We are hearing concerns which are acknowledged. Assuming a commercial agreement can be negotiated, a detailed planning application will be required to be submitted. This will need to set out details of the range of uses proposed and measures to mitigate the potential impacts. The Planning Authority will also need to have regard to any conditions or limitations that it may wish to impose in the event that it considers the proposals to be

acceptable.

Consents will also be required for any licensed activities with a decision made by a Licensing Panel in public.

Additionally, the Council as Landlord will be in a position to enforce all relevant conditions through lease covenants.

Just to expand a little bit. The hall you are referring to could only accommodate between 200 and 300 people. The applicants have requested the public use for the hall is up to only 10 o'clock from Sunday to Thursday and 11 o'clock Friday and Saturday. The planning stage of the consultation, the Planning Committee may very well reduce the hours.

The same way when it goes to Licensing Panel, they will determine independently how many hours they are going to be open. At that time on both occasions, you have the right to represent, and they are both independent bodies which I have nothing to do with and they will decide what is appropriate.

It is important that we make sure any inconvenience caused to you is minimal. Every protection will be there for you and we will very carefully consider all your proposals and make sure any inconvenience is brought down close to zero.

Supplemental Question: How can you claim that there will be robust guarantees written into the contract while at the same time passively allowing the development to take place and you have not stopped to consider the consequences of your decision on the residents' sanity, well-being and mental health?

Surely we would not accept this sort of thing from a noisy neighbour day in, day out with non-stop ... right, can you tell us what proportion of the 1265 supporting signatures you claim to have received in what I believe is a sham consultation, as a proportion of the doors knocked on? Is it only a tiny minority and how many objections have you received in the separate petitions that you have received, which you do not seem to have advertised at all, or you do not seem to mention, who I know are overwhelmingly against this proposal? What significance have you attached to this overwhelming objection to this project?

Supplemental Answer: There was a petition containing 1265 signatures. All those people live close to the field, not very immediately to the field and we did say at Cabinet there was only 17 or 19 people living just around the fields supporting it.

We are very aware of the concerns of all the neighbours and that is why I keep saying, at least three or four times in different committee meetings what measures we are going to take to

protect you.

That is a designated playing field. The whole idea of having a playing field is to have sports. Now, any activity there is going to be ancillary to it. It is not going to be a nightclub. It is not going to be open until 2 o'clock in the morning. It is all sorts of small things. The capacity is going to be between 200 and 300 people and you know very well, any Asian weddings cannot take place with such a small place. Once they have done the traditional declarations it will not even seat 150 people and I have never known an Asian wedding taking place for less than 150 people. Christian weddings take place if it is designated as a place of marriage, would be smaller and quieter.

The Licensing Panel could determine only one or two days a week, any function or they could say 30 functions a year. They are completely independent. They will independently decide how many hours they can open, how many days they can open. That is a protection for you. You can object at that stage. You have the right to bring your solicitor if you want to or a barrister and fight your case and also, once it is agreed, even a day later if the applicants breach the conditions, you have the right to bring them back to the Council. The Council has the right to suspend them for a period of time or enforce penalties or put conditions. There are all sorts of conditions.

8.

Questioner: Stephen Lewis

Asked of: Councillor Thaya Idaikkadar (Deputy Leader and Portfolio Holder for Property and Major Contracts)

Question: In the paper that went to the November 2011 Cabinet, the council's officers identified a significant weakness in the Whitchurch Consortium's "Potential over reliance on hiring out pavilion for social functions such as private parties / wedding receptions" (p. 303) and "for a development of the playing fields to be sustainable in the future there will have to be a greater reliance on income generation from the pavilion. The hiring of sports fields does not alone raise substantial income – Parks advise that it currently raises approximately £15,000 from admittedly a currently limited usage base however this sum is unlikely to be doubled even with the possible installation of G3 artificial pitch."(p. 304) Do you agree with your own officers' assessment that "it is therefore anticipated that more than 75% of the income will need to be generated from activities within the Pavilion including bar profits hiring out of the hall, meeting rooms and function rooms for private parties and weddings" (p. 304) rather than from community sports use and what steps are you taking to ensure the balance of use of the Pavilion and

playing fields is shifted away from weddings and other events and back to community sports?

Answer: *Mr Lewis did not attend and so a written answer was provided.*

Any development of Whitchurch Playing Fields must be ancillary to its current planning use as sports playing fields. The proposals are for a sports leisure and community facility. There will be a Service Level Agreement providing free access for school use of the playing fields and new changing and shower facilities. It is therefore inevitable that there has to be some commercial element of income generation to repay the estimated initial £3M expenditure.

It is inevitable that the pavilion will form the main basis for revenue generation however it is anticipated that this will be through several educational /leisure /charitable /voluntary and additional uses not related to late night occupation or dependant upon the sale of alcohol.

Whilst the Licensing and Planning authorities will determine what is in the public interest in terms of hours of operation it is clearly the Council's intention that the facility be used primarily for sport leisure and community uses rather than for late night events / private parties and or weddings which would be contrary to its primary planning status hence breach one of the Council's intended lease covenants.

9.

Questioner: Melanie Lewis

Asked of: Councillor Thaya Idaikkadar (Deputy Leader and Portfolio Holder for Property and Major Contracts)

Question: Can you provide an update of how and when the Council has consulted with the Environment Agency with regard the proposals for tendering, leasing and redeveloping the Whitchurch Playing Fields and Pavilion site?

Answer: *Ms Lewis did not attend and so a written answer was provided.*

The Corporate Estate team has not been in contact with the EA as part of this process. The tender documentation makes it clear that the interested parties should make their own investigations and approaches to the EA.

Part of the site falls within Flood Zone 3a on the strategic flood risk assessment for the area. The consideration of the impact of any proposal on flood risk is a matter for the planning process. The Council as Planning Authority has consulted, as required,

with the Environment Agency on its emerging LDF policies.

The Local Planning Authority would expect to follow national planning policy and the findings of its own flood assessments in the considering the potential effects of any proposals on flood risk. This process would include full consultation with the environment agency.

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 (IP), 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 – standards.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?

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 informal advisory group. 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. The Monitoring Officer will contact you to inform you and the Councillor of the decision.

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 s/he needs to see and who s/he needs to interview.

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 Investigating Officer's report will be put to the Hearing Working Group who will pass on their views to the Monitoring Officer who will then decide whether or not to use his delegated authority to determine that no further action should be taken. The Monitoring Officer will write to you and to the member concerned, notifying you that s/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, s/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 Working Group.

Local Hearing

The Monitoring Officer will report the Investigating Officer's report to the Hearing Working Group 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.

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 Working Group 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 Working Group. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearing working Group as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearing Working Group, 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 Working Group 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 Working Group 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 Working Group will give the member an opportunity to make representations to the Working

Group and will consult the Independent Person, but will then decide what action, if any, to recommend that the Monitoring Officer should take in respect of the matter. If the Monitoring Officer does not agree with the recommendation of the Hearing Working Group then he may not use his delegated powers and the matter will proceed to the Hearing Review Sub Committee which is a formal sub committee. They will consider the findings of the Hearing Working Group and the Monitoring Officer's views and make a decision.

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

The Council has delegated to the Hearing Review Sub-Committee and the Monitoring Officer such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. The Monitoring Officer may only use his delegated powers in accordance with the appropriate scheme of delegation.

Accordingly the Hearings Review Sub-Committee or Monitoring Officer may –

- Report its findings to the Standards Committee and then 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 Monitoring Officer 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 Monitoring Officer 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 Review Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearing Review 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 Hearing Review 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 Hearing Review Sub Committee?

The Hearing Review 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 three 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.

The Independent Person is invited to attend all meetings of the Hearing Review Sub-Committee and his views are sought and taken into consideration before the Hearing Review 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 IP 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 11.2.1 or 11.2.2;
 - 11.2.6 A spouse or civil partner of a person within paragraphs 11.2.3, 11.2.4 or 11.2.5;
 - 11.2.7 Living with a person within paragraphs 11.2.3, 11.2.4 or 11.2.5 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 Review 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 Hearing Review 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.

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.

HARROW COUNCIL'S STATEMENT OF PRINCIPLES under Gambling Act 2005

Contents

Item	Page
Part A	
1. Introduction	2
2. The licensing objectives	2
3. Authorised Activities	2
4. Consultation	3
5. Declaration	4
6. Responsible Authorities	4
7. Interested parties	5
8. Exchange of information	6
9. Enforcement	7
10. Licensing authority functions	8
Part B - Premises licences	
1. General Principles	8
2. Adult Gaming Centres	14
3. (Licensed) Family Entertainment Centres	15
4. Casinos	15
5. Bingo	16
6. Betting premises	16
7. Tracks	16
8. Travelling fairs	17
9. Provisional Statements	17
10. Reviews	18
11. Appeals	18
Part C - Permits / Small Society Lotteries / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	19
2. (Alcohol) Licensed premises gaming machine permits	20
3. Prize Gaming Permits	21
4. Club Gaming and Club Machines Permits	22
5. Small Society Lotteries	23
6. Temporary Use Notices	24
7. Occasional Use Notices	

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 no 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.

APPENDIX VII

LONDON BOROUGH OF HARROW

COUNCIL

5 JULY 2012

QUESTIONS WITH NOTICE (ITEM 17)

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 William Stoodley

Asked of: Councillor Graham Henson (Portfolio Holder for Performance, Customer Services and Corporate Services)

Question: Are you please able to tell me when the advice and guidance for Councillors on blogging and using other such media will be published, as directed by Dr John Kirkland in my Standards Board hearing?

Answer: The Social Media Protocol was published and contained as part of the Constitution in November 2011 and is now currently on the website.

Supplemental Question: Do you agree that, as I am most anxious to start my new blog which will be called 'Not the Harrow Observer', in order to continue to dispel and further expose Tory myths and propaganda, the arrival of this information and knowledge of where to obtain it is a most welcome development?

Supplemental Answer: I do.

2.

Questioner: Councillor William Stoodley

Asked of: Councillor Graham Henson (Portfolio Holder for Performance, Customer Services and Corporate Services)

Question: Would you please kindly tell me how many Standards Board for England investigations set directives to be complied with but did not set a time limit within which that directive had to be complied with?

Answer: The Standards Board for England under the Localism Act was done away with. Investigations now take place through local councils. We have agreed that process a few items ago tonight. There are no outstanding directives arising from Standards for England.

Supplemental Question: Would you agree that if a Councillor was to ignore a directive just because no time limit had been set, for example by not writing an apology letter, that that action would show that that Councillor had no respect for either the spirit of the directive or for their fiduciary responsibility and status as a Councillor? If so, are you able to assure Members that any directives put in place under a new system will always set time limits for the compliance so that even disrespectful Councillors are forced to comply?

Supplemental Answer: I always believed that there should be timescales that people should respond to. I am sure that will be taken up by the Standards Committee when they reinvestigate or reconsider the processes further. I do believe there should be timescales in place, exactly the same as we have within our own employment practices across the Council.

3.

Questioner: Councillor Stanley Sheinwald

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

Question: "Can the Portfolio Holder for Environment and Community Safety advise me of the cost of the Hatch End Parking consultation and what has been learned from it?"

Answer: An estimated cost of materials and officer time is that the cost of this consultation is in the region of £18,960.

Supplemental Question: So what is the point of this consultation if the residents and traders have clearly stated they do not want to pay for parking along the Uxbridge Road or the Grims Dyke Car Park and will he now take into consideration that trade is so bad in Hatch End that another café has closed and even Nationwide Building Society is closing down in August? So will you now listen to the people of Hatch End? Thank you.

Supplemental Answer: Yes, of course we will. It is regrettable that this Government has imposed such financial rigour on the nation that even the cafés and restaurants in Hatch End have to close.

We have learned a number of things from the consultation. It has provided an evidence base for a report that was discussed

at a Traffic and Road Safety Advisory Panel meeting on 21 June 2012.

The response rate for this consultation was comparatively high compared with other consultations with many individual responses and a number of petitions.

We learned marginally that more people feel that parking there is not a problem but a significant proportion think there is a problem (44%).

4.

Questioner: Councillor James Bond

Asked of: Councillor Brian Gate (Portfolio Holder for Children, Schools and Families)

Question: "David Milliband has warned that high and growing youth unemployment is a "ticking timebomb" under the nation's finances and social wellbeing.

Why, then, are Harrow and Brent councils scrapping Brent and Harrow Education Business Service which for years has given thousands of young people in the two boroughs an invaluable advantage as they prepare to enter the jobs market?

And why have the councils looked only at short-term, minor financial savings and ignored the infinitely greater long-term cost, financial and otherwise, of scrapping the service?"

Answer: There is no statutory duty on the Council to deliver such a service which will help schools to place young people on work experience. Prior to April 2011, there were grants given by Government which assisted Councils to run such services and many did so. However, as you know and we have alluded to already from the previous speakers this evening, that central funding has now been cut and not provided to us or Brent and therefore, as I refer to Brent and Harrow Education Business Services as BHEBS, we had to substantially adjust to the new environment which needed to be a self sustaining service.

Increasingly funds which were held normally by local authorities or managed through local authorities are now devolved right down to the school level and this direction of movement has been intensified through academy conversion for instance and schools can still purchase places to place pupils on work experience through the other agencies that do exist to offer a cost effective service within the economies of scale.

The responsibility to provide work related learning currently rests with schools and colleges and not with the local authority.

The Government, however, has stated its intention to remove this responsibility from schools with respect to many of the young people at school and that would therefore unfortunately put a financial pressure on any service as schools may choose not to provide or actually fund work experience.

We tried to find a financially viable model and we also tried to review that in consultation with Brent Council, who actually made their own separate consultation as well. The review showed that projected income would fall far short of the funds that would be needed to make it a service which could be viable. The review of the practice in other areas provides little evidence that local authority that runs BHEBS can be self-sustaining in any model and small scale private providers struggle to continue without some LA commissioning. The service was financially vulnerable and posed a high risk to both councils at a time of shrinking council budgets, again something that the Leader alluded to earlier on. As a result Brent and Harrow consulted with staff on a proposal to close the service. We extended the consultation to service users but we did not have any responses.

This Council, after due consideration of the responses received during the consultation decided to implement the proposal to close BHEBS on 31 August 2012 which had been consulted on and staff had been informed of this on 18 June 2012. Brent also carried out a staff consultation on a proposal to close the BHEBS and came to the same decision.

I actually share your concern about youth unemployment, as I think certainly all Members of this local authority should, cannot afford, to run a loss making service and we have known that from colleagues' comments about how we actually had to ensure that we were efficient services which are not loss making to the Council Tax payer. I am certain our schools will actually maintain their responsibility to equip all school leavers in the most appropriate ways to enter the job market, whether that be immediately on leaving school or at a later time but I would hope also that we as a local authority in whatever we can as Ward Councillors, whatever we can actually utilise our own influence into actually helping young people find jobs in this very, very difficult time.

Supplemental Question:

Could I just ask a sort of a wider question, it probably applies to so many different things? I was at the Overview and Scrutiny Committee meeting on Tuesday night and the Chief Executive, said as a Council we have to focus our minds on the most important things and quite rightly you said education is one of those important things.

Can you assure me that whilst the Council finances may or may not in the future be able to provide this service, we can work

with other Outside Bodies to ensure that this very valuable service, if any way, can be rescued in the future?

Supplemental Answer: You have my assurance and may I just also just pay tribute to Councillor Green, who has my predecessor in the two years that she was the Portfolio Holder, she championed young people. It was her championing of the Corporate Parenting that made sure that that stand was outside for Members to look at today, so I am following in her footsteps and you have my assurance that I will be continually championing young people within Cabinet, continually championing young people within group meetings and continually championing young people in this Borough. I we must do everything we possibly can to make sure they actually do have a future.

5.

Questioner: Councillor Susan Hall

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

Question: Could you please provide the quarterly recycling figures for the last two years?

Answer: I would be delighted to give those figures in a written reply.

Supplemental Question: In your manifesto on page 9 you said that you would like to achieve 65% recycling. I can only assume that the figures have slipped backwards.

Do you still think then that you will achieve 65% recycling within the next two years?

Supplemental Answer: Yes. With cross party support the recycling rates within Harrow has increased since 2006 to 2007, an increase of 73%. I would like to take the opportunity to thank all those residents in the London Borough of Harrow that helped us to achieve this figure. We have also robustly introduced more recycling to flats so this will help us achieve our goal of 65%.

6.

Questioner: Councillor Mrs Camilla Bath

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

Question: Given this administration's promise to ensure that the Council's housing stock is regularly externally redecorated, could you provide quarterly figures for the last two years of how many houses have been accordingly decorated?

Answer: It is difficult to break the work down into quarterly figures but I can give you annual figures.

In 2010/11, 180 homes received works under the external decorations programme.

In 2011/12, the number was 312.

You will be aware we have just started consultation on the five year External Decorations Programme with events held on the 27 June and 4 July to which a wide range of stakeholders were invited. This will mean the Council will have in place an effective, fully consulted five years' working programme, with year one starting this year.

Where possible we try to cut down the need for external decoration by providing windows, soffits, cladding and fascias with PVC; that is plastic. This means that a number of properties no longer require work under the programme as they are fully PVC for the main external key compartments.

I would just like to add that these ongoing programmes have come about because of our new Year 30 Plan investment in the housing.

Supplemental Question: How many houses do you estimate will qualify for redecoration during your five year plan?

I would also like to know what are your quarterly redecoration targets for the next two years?

Supplemental Answer: I have not got it at hand but as you know, you sit on the Tenants' Leaseholders and Residents Consultative Forum. On 17 July 2012 this whole programme will be presented and you will see the five year programme.

GUILLOTINE REACHED (the following answers were circulated after the Council meeting, by written response, at the request of the Mayor).

7.

Questioner: Councillor Paul Osborn

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

Question: In 2010, you promised a Labour administration would focus on 'invest to save' opportunities, and strive to avoid redundancies. Can you therefore explain why the invest to save / redundancy portion of the Transformation and Priority Initiatives Fund has veered so heavily towards redundancies?

Written Answer: This Administration has said it will do its utmost to prevent compulsory redundancies. Our biggest cost is our staff so that in making savings it is inevitable that we will need to lose staff. However in very difficult circumstances we will attempt to do this by defending or indeed enhancing front-line services. We will do our best to re-deploy staff and offer them voluntary severance. Many invest-to-save schemes are based on delivering a service with less staff. A good example would be the introduction of RFID in libraries where we saved over £1.1 million. The TPIF will be based on this principle. In this case any redundancy costs will be part of the investment and will be paid back to the fund out of the savings which are made.

8.

Questioner: Councillor Kam Chana

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

Question: What creative ways to generate income for the Council that you have you so far introduced, and what are your future plans in this respect?

Written Answer: The Council is continually reviewing the options available to generate additional income. We have set up a central procurement section which is scheduled to save £2 million a year - an area which the previous administration totally neglected. Shame on them!

In the previous Labour Administration I was responsible for appointing a fundraiser who has helped to raise literally millions of pounds by helping the Council and their partners to apply for funding from other bodies. I am glad to say our fundraiser is still in place earning his salary many times over.

Since this Administration came to power we have introduced advertising on the web and our Council Tax Booklet is self-funding through advertisements and large part of the award-winning Harrow People is funded by advertisements and articles sponsored and paid for by our partners in the polices and the PCT. We continue to get private firms to sponsor roundabouts and also flower beds in shopping centres.

Through contract procurement we have been able to turn the cost of disposing of recyclable materials into an income of £1m.

Likewise by hard-nosed procurement we managed to save £400k on our Leisure Centre contract, improving the service at the same time.

By moving to a hub and spokes base system for Children's

Centres we managed to increase income and secure a commercially viable system to secure the future of our Children's Centres, and indeed open three new ones, whilst other Local Authorities are closing theirs. The overall saving from the project is £1.2m.

We are currently undertaking a commercialisation project which is looking specifically at the following areas:

Trade Waste, Harrow Helpline and Telecare, Garages, Pest Control and Animal Services and lots more.

If Cllr Chana has any ideas himself, we would be very happy to consider them.

9.

Questioner: Councillor Stephen Wright

Asked of: Councillor Thaya Idaikkadar (Deputy Leader and Portfolio Holder for Property and Major Contracts)
To be responded to by Councillor Keith Ferry, Portfolio Holder for Planning and Regeneration

Question: Can you update us on your administration's efforts to encourage and expand the provision of private leisure facilities for Harrow residents?

Written Answer: Over the last 12 months, the Council has continued to work with a number of potential and existing operators in Harrow to support the enhanced provision of facilities through partnership with private and community enterprises.

I am delighted that in May this year Cedars Youth and Community Centre opened its doors for the first time in Harrow Weald. Last week, the Planning Committee resolved to approve, amongst other things, proposals for new health and fitness facilities on the Kodak site and at cabinet in July, the Council will be considering an opportunity to explore enhanced community access for the growing facilities at the Hive (in exchange for alternations to the lease). At the last cabinet meeting, approval was also given to progress negotiations to provide new, high quality sports and leisure facilities at Whitchurch, in partnership with a private consortium.

10.

Questioner: Councillor Manji Kara

Asked of: Councillor David Perry (Portfolio Holder for Community and Cultural Services)
To be responded to by Councillor Keith Ferry, Portfolio Holder

for Planning and Regeneration

Question: Can you provide an update on your plans to introduce a 'Harrow Card' for entertainment and shopping discounts within the Borough?

Written Answer: In the current period of ongoing economic uncertainty it is important to ensure that plans for the Harrow Card are well considered, in respect of technology, utility, take up, impact and our own priorities.

The council is therefore undertaking work to determine the

- type of use for a Harrow Card;
- distribution methods;
- the level of discounts that can be offered to card users and how these can be funded;
- how a Harrow Card can be promoted;
- procurement of card;
- integration with other Cards;
- costs.

The Harrow Card is one mechanism to support the Town Centre, in the meantime, the Council is progressing a suite of other measures, including

- investing £5m in the town centre as a catalyst to the £1billion in investment we will be attracting to develop Harrow's key sites;
- develop a place promotion campaign with developers to market Harrow as a place for new investment and visitors;
- using events and promotions to stimulate footfall and promote the attractiveness of our town centres.

In September we will launch a toolkit to support new businesses opening in the town centre and local shopping centres. This will guide businesses through the regulatory processes, and ensure they are informed of the standards they should meet. This will help reduce business cost, by ensuring they get things right first time. It will also protect residents and shoppers by ensuring that traders conform for example to building control standards or food hygiene licensing standards.

The council has now produced investment profiles for Stanmore, North Harrow, South Harrow, Wealdstone, Rayners Lane and Pinner. These profiles have been welcomed as invaluable information guides, providing business with information on the catchment area, transport routes, customer profiles and demographics within each district shopping centre.

11.

Questioner: Councillor Barry Macleod-Cullinane

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

Question: Do you share my concern at the news reported by the Municipal Journal that £115 million of Department of Health funding provided to councils to fund additional social care with health benefits, has ended up being diverted to other services; and can you assure us this did not happen in Harrow?

Written Answer: The MJ article that you refer to does not state that £115m has been diverted to other services; rather it says that this money has been spent on funding existing services rather than creating new ones.

I believe that we spent the money we were allocated entirely properly to cope with the extra demographic pressures faced by the Council in line with the guidelines we were given. In the two years that this money has been available, it has been spent entirely for what it was intended. The PCT funding in 2012-13 due to Harrow is £2.497m. The necessary demographic growth in Adults Services necessitates extra expenditure of £3.157m which covers the requirement to fund social care which benefits health and addresses the other priority needs of the service. Our £2.497 will help to cope with this but will not entirely cover all these needs.

With regard to 2011-12 exactly the same principle applied. The funding due to Harrow was £2.6m, of which £0.5m was handed back to the PCT to meet its social care provision. The balance of £2.1m replaced the Council's own resources in funding severe demographic pressures in Adult Social Care.

We are all very concerned about the funding for adult social care in this country and the fact that it is not sufficient to meet rising demand. The MJ article talks about funding being used to prop up existing services and includes a quote from the LGA that "it is hardly surprising...given the funding crisis we are facing in providing care to our rapidly ageing population".

This is a point that is particularly relevant given the publication of the new White Paper on social care reform. The response from the Chair of ADASS, Sarah Pickup, in relation to this echoes my own feelings when she worries about "the potential impact on the availability of services for individuals before a longer term solution is found."

I would welcome your support to lobby the government, as we

have, to find a sustainable model for social care funding immediately today and not tomorrow.

12.

Questioner: Councillor Simon Williams

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

Question: Have you managed to negotiate with the PCT the provision of extended opening hours and extra services for GP-led surgeries?

Written Answer: My Portfolio includes leading for the Council on improving the working relationship with the Health Service. I am very passionate about improvements in the well being of our residents. I am delighted therefore that during my time as Portfolio holder there have been a number of developments focussed on improving access to GP surgeries: 32 out of our 35 GP surgeries in Harrow now have extended hours. I am of course concerned that given financial pressures the PCT had to reduce extended hours in the Alexandra Ave Health and Social Care Centre from 1 January this year.

There are many ways that we positively work with health partners to influence developments in Harrow's health services. We are actively involved in partnership working with NHS Harrow through a number of forums such as the Clinical Commissioning Group which started in shadow form in April 2012 and also through the Health and Well Being Board.

An "Out of Hospital" Strategy is at the centre of future plans. The strategy will see a lot of services currently provided in hospital shifted into the community to provide residents with more care in their homes and at convenient community settings including GP surgeries, children's centres and schools.

Patient surveys continue to identify access to GP surgeries as a major concern. The Out of Hospital Strategy will include plans for more patients being able to receive blood tests in their local GP surgery. For example, Rheumatology patients, where stable will be able to have their blood tests locally, reducing the need for hospital appointments for their condition to once a year. Cardiac patients will also have more community based care.

I will continue to work with the PCT and CCG through the Out of Hospital Strategy to improve access and services.

13.

Questioner: Councillor Stephen Greek

Asked of: Councillor Keith Ferry (Portfolio Holder for Planning and Regeneration)

Question: Can you provide an update on the changes to the enforcement capacity of the Council's planning department over the last two years, and the proposed changes for the next two years?

Written Answer: The Planning enforcement team comprises a Head of Enforcement, a senior enforcement officer and two enforcement officers. Two years ago, the Council recruited a qualified town planner to one of the enforcement officer posts (replacing an agency planner). The other enforcement officer post was filled by an agency staff member. The senior enforcement officer and Head of Enforcement roles were filled by permanent staff, in the case of the senior role, on acting up basis.

During 2011/12, the Council replaced the temporary officer with a permanent trainee planning officer, dedicated to the enforcement team as part of the workforce strategy to support the development of specialist planning skills. During 2012/13, in accordance with the MTFs for the service, the Head of Enforcement post is to be deleted. This process is in train.

To address the capacity issues arising from this change, the service is currently exploring with its staff ways to integrate the remaining enforcement resource into the two area planning teams, under the management of the two respective team leaders. The Council has also updated and adopted an enforcement policy, which seeks to set out more clearly the priorities of the service with regard to investigation and action to assist in managing what continues to be a strong demand for investigations. Further work, in partnership with others has also seen a shift in strategy towards targeted interventions, including direct action and the use of Proceeds of Crime Act in to promote compliance and bring persistent offenders to book.

The directorate MTFs proposes to reduce the development management resources within the planning division by two officers in 2013/14. The generic nature of planning officer role profiles (which includes the existing enforcement officers) means that all officers are able to undertake enforcement activities. At the present time, no decision has been made about what part of the development management resource will be subject to a reduction in staffing. Existing work to try and LEAN the processes within DM to minimise the impact of staffing reductions, is nevertheless, already underway.

**COUNCIL
8 NOVEMBER 2012**

**OVERVIEW AND SCRUTINY
COMMITTEE
RECOMMENDATION
(20 SEPTEMBER 2012)**

**RECOMMENDATION I: COMMUNITY SAFETY PLAN
AND STRATEGIC
ASSESSMENT**

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OVERVIEW AND SCRUTINY COMMITTEE MINUTES

20 SEPTEMBER 2012

Chairman:	* Councillor Jerry Miles	
Councillors:	* Sue Anderson * Kam Chana * Ann Gate * Susan Hall (4)	* Krishna James Zarina Khalid * Paul Osborn * Stephen Wright
Voting Co-opted:	(Voluntary Aided) † Mrs J Rammelt † Reverend P Reece	(Parent Governors) Mrs A Khan
In attendance: (Councillors)	* Phillip O'Dell	Minute 305

- * Denotes Member present
- (4) Denotes category of Reserve Member
- † Denotes apologies received

RECOMMENDED ITEMS

305. Community Safety Plan and Strategic Assessment

Members received a report of the Assistant Chief Executive which set out the joint response of the Council, the Police and other partners to the crime and anti-social behaviour issues identified in the Strategic Assessment. In addition, it broadened the definition of community safety by including other aspects of safety including safeguarding vulnerable adults and young people,

addressing domestic violence, hate crime and community tensions and helping people recover from abuse of drugs and/or alcohol.

The officer advised that the Community Safety Plan was a statutory plan and differed from previous plans in that its scope was expanded. It was hoped that the next plan would be ready in February 2013. This would mean that there would be a common reporting date for the strategic assessment.

The Borough Commander reported that the plan contained retrospective figures and that there was a downward trend for burglary and violent offences. He reported that, in terms of the most up to date figures, there were reductions in terms of property crime (4.8%), robbery (7.7%), residential burglary (10.9%), theft of vehicles (14%), domestic violence (3%) but an increase in theft from vehicles (14%). These figures were available to view on the Metropolitan Police website. At the moment there was a significant reduction in crime but he reported that over the last 5 years there had been an increase in crime during the autumn and therefore there would be an increased deployment of resources.

Members made comments and asked questions as follows:

- A Member expressed his dissatisfaction at being provided with figures verbally that had not been included in the report as he had spent a considerable amount of time going through the report.
- A Member stated that whilst she was pleased to note that the remit of the Safer Harrow Partnership had expanded she was extremely concerned that it did not have cross party membership. Similarly, the Health and Well Being Board did not have cross party membership. The Borough Commander responded that traditionally it had been the relevant portfolio holder that had been the member of the Safer Harrow Partnership but that he would raise the comments with the group and Chief Executive.
- The officer undertook to provide a written response to a Member's query as to which budget funded the 24 hour Hate Crime line. Another Member questioned whether the helpline had been successful and was advised that it was an additional reporting mechanism and that it was difficult to ascribe a change in outcome to any particular measure.
- A Member expressed concern at the variation in statistics from one year to the next and from one ward to the next. The Borough Commander responded that as some wards had a low level of crime, percentages did not necessarily give a true reflection of the situation.
- In terms of the use of Local Area Agreement funding, the officer reported that £90,000 had been made available for equipment purchases but that the police had decided that this was not the way forward and that instead the resources could be used for the autumnal work.

- A Member stated that the Borough Commander had previously reported that snatch and robberies typically occurred at 4 o'clock in the afternoon and were carried out by young people. He questioned what work was being done with schools and the Borough Commander advised that he had met with all of the Head teachers but that no one school was a main source of victims or perpetrators.
- A Member commented that analysis behind the data would be helpful in order to give an indication of the difference between Harrow and other boroughs, for example, in relation to the percentage of women that were victims. The Borough Commander stated that policing was fast moving and resources needed to be deployed quickly and this would be done as the result of the use of intelligence received. Members were welcome to attend the Grip and Pace meetings. The officer added that there had been discussions with the scrutiny leads as to how best to provide Members with statistics drawn down from the Metropolitan Police website in terms of month, time and ward in order to be more time relevant.
- Referring to the proposal to save an additional £18.6m savings, a Member sought clarification as to what these included. The officer advised that this was in the context of the Council's budget.
- A Member expressed concern, in relation to the Wealdstone corridor, for the safety of children attending the I Foundation school and whether any additional resource was being deployed in this area. The Borough Commander responded that the profile of the borough was predominantly Black and Minority Ethnic and that the police would continue to work closely with local businesses and respond to any information received.
- A Member questioned, in terms of reducing re-offending, the number of young people the Youth Offending Team (YOT) were currently working with as the report only appeared to include figures for adults. The Borough Commander advised that the YOT had done effective triage work at the police station and that only 3 of the 100 seen had re-offended. He undertook to provide Members with some additional figures. In terms of robbery, he reported that the vast majority of victims and burglars lived in Harrow but that the main challenge facing the police were those burglars coming into the borough. He referred to the work being done with Mothers against Gangs, which Harrow Boys' School was keen to support, and other ways in which to make an impact when a victim would not testify.
- A Member suggested that if statistical data was to be provided, it should be forwarded to Democratic Services for advance circulation to Members. In addition, the maps included in the papers were not legible and, in future, separate larger copies should be provided.
- A Member sought clarification as to the position on the community trigger and was advised that the provisions had not yet been enacted.

- In response to a Member's question, another Member outlined the 'Shut in Lift' policy which had been introduced as lifts were not being adequately maintained. This incurred costs to the Fire Brigade and this policy now meant that if the Fire Brigade was called to the same lift 3 times in a year, the person/organisation responsible for maintenance would be charged.
- In response to a question about prevention of domestic violence, the officer advised that White Ribbon Day had been introduced 2 years' ago and that the website provided advice. There was insufficient capacity to deal with the issue but the officer added the police in Harrow were excellent at dealing with it.
- A Member emphasised the importance of raising awareness of crimes involving sexual violence which were regarded as a taboo subject. The officer advised that considerable work was being done in schools by the Sexual Violence Adviser to raise awareness of the illegality of these hidden crimes. The officer undertook to provide the Member with the Violence Against Women Strategy.

The Chair thanked the Borough Commander, Portfolio Holder and officer for their attendance and responses.

Resolved to RECOMMEND: (to Council)

That the Committee's comments be noted.

**COUNCIL
8 NOVEMBER 2012**

**CABINET RECOMMENDATION
(13 SEPTEMBER 2012)**

RECOMMENDATION I: COMMUNITY SAFETY PLAN

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CABINET MINUTES

13 SEPTEMBER 2012

Chairman: † Councillor Bill Stephenson

Councillors:

* Bob Currie	* Graham Henson
* Margaret Davine	† Phillip O'Dell
* Keith Ferry	* David Perry
* Brian Gate	* Sachin Shah

In attendance: Susan Hall Minute 482
(Councillors) Paul Osborn Minute 482

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

485. Community Safety Plan

Cabinet received a report of the Assistant Chief Executive, setting out a joint response of the Council, the Police and Partners to the crime and anti-social behaviour issues identified in the Strategic Assessment as well as broadening the definition of community safety by including other aspects of safety, such as: safeguarding vulnerable adults and young people, addressing domestic violence, hate crime and community tensions and helping people recover from abuse of drugs and/or alcohol.

An officer informed Cabinet that the Community Safety Plan was a statutory requirement for the Council to approve each year in response to the Strategic Assessment, which looked at the previous year's crime statistics with a view to formulating a Plan to reduce crime in the borough. The priorities identified for 2012/13 were: residential burglary, robbery and antisocial behaviour.

The Portfolio Holder for Adult Social Care, Health and Wellbeing welcomed the Community Safety Plan and the particular reference given to domestic violence which had not been included in previous Plans. She congratulated officers and the Portfolio Holder for Environment and Community Safety in this regard.

Resolved to RECOMMEND: (to Council)

That the Community Safety Plan be adopted.

Reason for Decision: To meet with the statutory requirement for the Council to adopt a Community Safety Plan, which forms part of the Policy Framework.

Alternative Options considered and rejected: As set out in the officer report.

Conflict of Interest relating to the matter declared by Cabinet Member / Dispensation granted: None.

[Call-in does not apply, as the decision is reserved to Council]

(Note: The meeting, having commenced at 7.30 pm, closed at 8.50 pm).

(Signed) COUNCILLOR THAYA IDAIKKADAR
Chairman

COUNCIL
8 NOVEMBER 2012

CABINET RECOMMENDATION
(11 OCTOBER 2012)

RECOMMENDATION II: **HARROW COMMUNITY
INFRASTRUCTURE LEVY –
DRAFT CHARGING
SCHEDULE**

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CABINET MINUTES

11 OCTOBER 2012

Chairman: * Councillor Bill Stephenson

Councillors:

* Bob Currie	* Thaya Idaikkadar
* Margaret Davine	† Phillip O'Dell
* Keith Ferry	* David Perry
* Mitzi Green	* Sachin Shah
* Graham Henson	

In attendance: Susan Hall Minute 508
(Councillors) William Stoodley Minute 508

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

512. Key Decision - Harrow Community Infrastructure Levy - Draft Charging Schedule

The Portfolio Holder for Planning and Regeneration introduced the report, which summarised the comments received to consultation on the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule and the Council's response to these in preparing the Draft Charging Schedule for a further round of consultation prior to submission for Examination in Public.

The Portfolio Holder added that the CIL followed from and in future would replace Section 106 of the Town & Country Planning Act, to support the delivery of strategic infrastructure. The scope of Section 106 would be reduced to addressing site specific requirements only, including affordable housing. He added that local authorities had until 2014 to introduce CIL for strategic infrastructure after which they would not be allowed to continue to use S106 agreements in the same way.

The Portfolio Holder added that the CIL was driven by a viability assessment and that Harrow's charge was determined having regard to this requirement. He added that surrounding boroughs were progressing charges in excess of Harrow.

Resolved to RECOMMEND: (to Council)

That the Community Infrastructure Levy (CIL) Draft Charging Schedule, at Appendix 1 to the report, be approved for a six week period of public consultation in accordance with the Council's adopted Statement of Community Involvement.

Reason for Decision: To progress with preparing and adopting a CIL Charging Schedule that would enable the Council to charge CIL on new development to help pay for social and physical infrastructure within the borough.

Alternative Options considered and rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member / Dispensation granted: None.

(Note: The meeting, having commenced at 7.32 pm, closed at 9.32 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

COUNCIL
8 NOVEMBER 2012

OVERVIEW AND SCRUTINY
COMMITTEE
RECOMMENDATION
(20 SEPTEMBER 2012)

RECOMMENDATION II:

CHANGES TO THE
OVERVIEW AND SCRUTINY
COMMITTEE

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OVERVIEW AND SCRUTINY COMMITTEE MINUTES

20 SEPTEMBER 2012

Chairman:	* Councillor Jerry Miles	
Councillors:	* Sue Anderson * Kam Chana * Ann Gate * Susan Hall (4)	* Krishna James Zarina Khalid * Paul Osborn * Stephen Wright
Voting Co-opted:	(Voluntary Aided) † Mrs J Rammelt † Reverend P Reece	(Parent Governors) Mrs A Khan
In attendance: (Councillors)	* Phillip O'Dell	Minute 305

- * Denotes Member present
- (4) Denotes category of Reserve Member
- † Denotes apologies received

RECOMMENDED ITEMS

304. Changes to the Overview and Scrutiny Committee

Members received a report of the Divisional Director of Partnership Development and Performance which provided an update on changes to the areas of responsibility of the Community Health and Well Being and Health scrutiny lead members and proposals for representatives of Harrow Youth Parliament to be co-opted onto the Overview and Scrutiny Committee. The

officer reported that the proposal to co-opt representatives of the Harrow Youth Parliament onto the Committee arose from the Scrutiny Review 'Redefining Youth Engagement.' This position would be non voting.

RESOLVED: That the changes in the Scrutiny lead areas be agreed.

Resolved to RECOMMEND: (to Council)

That a representative of Harrow Youth Parliament be appointed as a co-opted non-voting member of the Overview and Scrutiny Committee.

COUNCIL 8 NOVEMBER 2012

OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATION (24 OCTOBER 2012)

**RECOMMENDATION III: YOUTH JUSTICE PLAN AND
 YOUTH OFFENDING
 IMPROVEMENT PLAN**

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OVERVIEW AND SCRUTINY COMMITTEE MINUTES

24 OCTOBER 2012

Chairman:	* Councillor Jerry Miles	
Councillors:	* Sue Anderson * Susan Hall (3) * Zarina Khalid * Barry Macleod-Cullinane	* Paul Osborn * Victoria Silver (3) * Ben Wealthy (2) * Stephen Wright
Voting Co-opted:	(Voluntary Aided) * Mrs J Rammelt Reverend P Reece	(Parent Governors) Mrs A Khan
In attendance: (Councillors)	Christine Bednell James Bond Mitzi Green	Minute 320 Minute 315 Minutes 320, 323 and 324

* Denotes Member present
(2) and (3) Denote category of Reserve Members

RECOMMENDED ITEMS

320. Youth Justice Plan and Youth Offending Improvement Plan

The Committee received a report of the Corporate Director of Children and Families which contained the Youth Justice Plan and the Improvement Plan. Members agreed to consider the Inspection of Youth Offending, which had been circulated on the supplemental agenda, as a matter of urgency in order to enable scrutiny of the Improvement Plan. The report had been included on the agenda at the request of a member of the Committee, in accordance with

Committee Procedure Rule 37.4. The Committee agreed that scrutiny policy lead for Children and Families, who was not a member of the Committee, could speak on this item.

The Corporate Director of Children and Families introduced the report stating that this was clearly an area of significant challenge and that there were some long term and ingrained issues to be addressed. She stated that it was both her and her manager's responsibility to turn the service around, that there had been some key staff changes and the service had also moved to a new directorate. She regretted that she had been unable to turn the service around as quickly and effectively as she would have liked and accepted responsibility for that. She expressed her concern that the Youth Justice Plan had not been submitted to Cabinet in the past and that this was a discrepancy. The Plan would be considered by Council on 8 November 2012.

Members expressed their significant concerns at the findings of the Inspection and, in particular, questioned the delay in the submission of the report both to Cabinet and the Committee, the decision making of officers and Members and the chronology of events. Members robustly challenged the officers and Portfolio Holder for Children, Schools and Families on the findings of the Inspection Report and the reporting of those findings and asked questions and made comments which included the following:

- There had been no mention of the poor performance of this service in the Strategic Performance Reports that had been submitted to Cabinet. The purpose of these reports was to flag up to Members key issues such as these. It had not been apparent from the recent Cabinet report the seriousness of the problems in the YOT. The Member expressed concern at the number of Improvement Boards and stated that it would be helpful to have a diagram/flow chart showing how issues were being addressed. He requested that a further report with more data be submitted to a future meeting of the Committee and a separate discussion with the Corporate Director on the staffing structure.
- The transparency in relation to the findings of the Inspection was questioned and Members challenged the apparent decision to inform the Council's partners but not elected Members of the findings. An officer advised Members that an Improvement Board had been established to work on the findings. The Portfolio Holder added that the closure of Harrow Magistrates' Court had not helped the delivery of the service.
- A Member sought clarification as to those areas where the Youth Offending Team (YOT) continued to under perform and the Portfolio Holder advised that such significant problems could not be resolved quickly. She added that the financial challenges faced should not be underestimated and that work in the YOT was focused on delivering improvement.
- The report stated throughout that there was substantial or drastic improvement required but there was no sense of ownership in the

Improvement Plan or timescales and it was therefore questioned how this would be moved forward. The Interim Divisional Director of Targeted Services stated that the Inspection should be considered in the context that a number of YOTs across London were facing difficult issues and that the Improvement Plan had been put in place and was constantly refreshed. The YOT management team was overseeing progress. The Corporate Director added that names of the officers leading on the various aspects of the Improvement Plan could be provided to Members. She received fortnightly reports and reported to the Chief Executive on progress/issues.

- There appeared to be a 'culture' problem and until this was resolved performance would not improve. The Member added that there had been no YOT manager since 2010 and problems in the service appeared to have started in October that year. He questioned where the senior management intervention was and why it had taken a year to advertise for a YOT manager. The Corporate Director responded that culture remained an issue in the team and that its functions had been separated. The solutions introduced had not been successful but the performance data had given a different picture. In terms of recruitment, she accepted that in hindsight she should have perhaps requested permission to recruit externally for the manager role rather than fill it with an interim postholder.
- A Member requested that the Improvement Plan remain a regular item on the Committee's agenda given the level of Members concern at the Inspection report. The Portfolio Holder suggested that the relevant scrutiny leads meet with both her and the Corporate Director on a regular basis, noting that the notes of the leads meetings were submitted to the Committee. The scrutiny policy lead for Children and Families expressed her concern at the Inspection report and stated that both she and the performance lead would consider the progress being made on a regular basis.
- A Member questioned the root cause of Councillors not being made aware of the report and reported on the situation in Lambeth following receipt of a poor report. She also questioned whether the risks in relation to the new model had been explored and the position in terms of funding. The Corporate Director advised that there had been no specific decision as to whether the Inspection report should or should not be submitted to Members but that it had been discussed with a number of Members and in her view required consideration by Cabinet. In terms of government funding, the Council had made up the shortfall. There was now a new manager of the YOT who would be considering the risks of the new model.
- A Member stated that the language used when dealing with families was important and that there needed to be an acknowledgement there were issues. Officers, not Members, were responsible for management and he sought a commitment that the Council would do everything it could to help young people secure jobs/ gain skills. The

Interim Divisional Director stated that there was no room for complacency and that it was imperative to engage young people in education/ training. She stated that she would report again to the Committee on this issue if that would be helpful.

- In response to a Member's question as to whether those young people in contact with the YOT received mental health assessments, the Corporate Director advised that not every young person would receive counselling. There had been problems with the Health contribution to the funding of the postholder that would carry out the assessments.
- A Member indicated that, in his view, the Improvement Plan should be considered by the Performance and Finance Scrutiny Sub-Committee. He added that he would have expected to see mention of the Better Deal for Residents in terms of project management as well as PRINCE data.

The Chair thanked the Portfolio Holder, Corporate Director and other officers for their attendance and responses.

Resolved to RECOMMEND: (to Council)

That the Committee's comments be considered and noted.

**COUNCIL
8 NOVEMBER 2012**

**CABINET RECOMMENDATION
(11 OCTOBER 2012)**

**RECOMMENDATION III: YOUTH JUSTICE PLAN AND
YOUTH OFFENDING
IMPROVEMENT PLAN
FOLLOWING CORE CASE
INSPECTION OF YOUTH
OFFENDING WORK**

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CABINET MINUTES

11 OCTOBER 2012

Chairman: * Councillor Bill Stephenson

Councillors:

* Bob Currie	* Thaya Idaikkadar
* Margaret Davine	† Phillip O'Dell
* Keith Ferry	* David Perry
* Mitzi Green	* Sachin Shah
* Graham Henson	

In attendance: Susan Hall Minute 508
(Councillors) William Stoodley Minute 508

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

511. Youth Justice Plan and Youth Offending Improvement Plan following Core Case Inspection of Youth Offending Work

Cabinet received a report of the Corporate Director of Children and Families, which set out how the Youth Offending Team (YOT) would be resourced and the services that would be available in relation to the statutory primary aim of YOTs to prevent youth offending in the area.

The Portfolio Holder for Children, Schools and Families referred to a Council priority which was the protection of vulnerable children and adults. The report set out the strategic plan to ensure effective outcomes for children and young people who offended or were at risk of offending. She stated that the Plan needed to be submitted to Council for approval.

The Corporate Director of Children and Families referred to the findings of the 2011 inspection of the service, which had been poor, and the plan for

securing improvements. The Corporate Director added that the results of the inspection were of great concern as it had placed Harrow below the national and London averages and that major challenges lay ahead.

In order to meet these challenges, a fundamental reorganisation of the Directorate had taken place, a smaller focused Youth Offending Team had been created with a new permanent team and service manager. Extra resources had been allocated to this area and work with the Youth Justice Board was in place. In addition, representation on the YOT Management Board had been strengthened to ensure robust challenge and scrutiny. Moreover, the relocation of staff into a single site would ensure closer working relationships amongst staff responsible for this area as a whole.

The Corporate Director stated that the challenges that lay ahead had not been underestimated and the trajectory to ensuring progress was contained in the Improvement Plan to help improve outcome for children and young people in Harrow.

Resolved to RECOMMEND: (to Council)

That the contents of the Youth Justice Plan be agreed and the Plan be recommended to Council for approval.

Alternative Options considered and rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member / Dispensation granted: None

(Note: The meeting, having commenced at 7.32 pm, closed at 9.32 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

COUNCIL
8 NOVEMBER 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:	8 November 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 5 July 2012.

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 a decision taken as a matter of urgency since the Council meeting held on 5 July 2012.

In accordance with the Access to Information Procedure Rules and paragraph 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 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 once since the Council meeting on 5 July 2012.

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 4 – 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: 30 October 2012		

Section 6 - Contact Details and Background Papers

Contact:

Elaine McEachron, Acting Democratic & Electoral Services Manager

Tel: 020 8424 1097

E-mail: Elaine.mceachron@harrow.gov.uk

Background Papers:

Council's Constitution/Portfolio Holder Decision report/Cabinet agenda

APPENDIX A

Urgent Decisions

The following urgent decision has been made since Council on 5 July 2012:

Subject	Decision Maker (Portfolio Holder/Leader/Cabinet)	Reason for Urgency
Appointment of Shared Director of Public Health	Portfolio Holder for Adult Social Care, Health and Wellbeing	The NHS North Central London have scheduled for the appointment panel to convene and interview the two candidates on the 13th September 2012 to appoint the shared Director of Public Health.

COUNCIL 8 NOVEMBER 2012

DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL

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REPORT FOR: COUNCIL

Date of Meeting:	8 November 2012
Subject:	DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Exempt:	No
Enclosures:	None

In accordance with the delegations to Chief Officers, the Leaders of each of the Political Groups on the Council were consulted on the following urgent decisions, which were approved on behalf of the Council, as they required action prior to this meeting:

New Procedure Rules for Council, Committees and the Executive

New Council, Committee and Executive Procedure Rules were agreed which provide the following:

“Where a Member has a Disclosable Pecuniary Interest (as defined in the Members’ Code of Conduct) in a matter being discussed at a meeting, the Member must declare that they have such an interest and the nature of that interest as soon as the interest becomes apparent to them. The Member must then leave the room whilst the matter is being discussed and, if applicable, voted on, unless a dispensation has been previously granted.”

Changes were made by the Localism Act 2011 to the statutory framework under which local authority standards’ regimes operate. One of these changes was the introduction of a category of Disclosable Pecuniary Interests which replaces the previous system of personal and prejudicial interests. Section 31 of the Localism Act requires that a Member should not participate in discussion about, or vote, in any matter in which they have a Disclosable Pecuniary Interest. It also provides that an authority’s standing orders or procedures rules may provide that a Member should, in these circumstances, leave the room. It was agreed by Council on 5 July 2012 that such a standing order or procedure rule should be adopted. Section 31 also requires that when a Member would normally deal with a matter alone, i.e. as a portfolio holder, if they have a Disclosable Pecuniary

Interest they must not deal with the matter, although they are permitted to make alternative arrangements for the matter to be dealt with.

The issue was agreed as a matter of urgency as the reason for the proposal was to comply with statutory requirements as well as reflecting Council’s decision. The legal requirements came into force on 1 July 2012 and the Constitution needed to be amended as soon as possible.

Creditworthiness and Counterparty Policy

A revised Counterparty Policy for investments was agreed.

The Council’s cash investments were invested with a range of banks and building societies in line with regulation and best practice guidance that required appropriate attention to be given, in order, to the security of each deposit, the maintenance of sufficient liquidity to meet expenditure and the return earned on each deposit.

The Creditworthiness and Counterparty policy determined which institutions were suitable for the deposit of cash investment. The current policy was approved by Council on 16 February 2012 following a recommendation from Cabinet.

Changes to the relative interest rates being paid on deposits by the main UK banks offered significant additional income opportunities by concentrating deposits with the two part nationalised banks, Lloyds / HBOS and RBS. Due to the UK Government part ownership, these banks were viewed as having the highest level of Government support. It was proposed to revise the counterparty policy to increase the limits on Lloyds /HBOS and RBS as follows:

Proposed Revised Counterparty Policy

Specified Investments

No changes Proposed

Non – specified Investments

	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
Term deposits – banks and building societies	A Long Term F1 Short-term 1 Support B Individual UK or AAA Sovereign	In-house	50%	3 months
UK nationalised Banks [RBS & Lloyds / HBOS]	F1 Short-term 1 Support	In-house	50% for each of the two Groups	36 months

	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
Callable Deposits	F1 Short term A Long Term 1 Support	In-house	20%	3 months

The alteration was to increase the individual limit on the value of deposits with RBS and Lloyds / HBOS from 30% of aggregate investments each to 50% (currently circa £55 million) each. There was a further limit of no more than £25 million with a maturity of more than 12 months at any time.

The suitability of the revised limits would be kept under review with Sector and discussed as soon as possible with GARMC if circumstances changed, including plans to reduce the Government's holdings in Lloyds or RBS.

The issue was agreed as a matter of urgency as currently £45 million of the Council's cash balances was, in the opinion of the Section 151 Officer, unnecessarily invested for short maturities earning less than 0.5%. The proposed new policy would enable longer maturities to be accessed. Delaying introduction of the policy had an opportunity cost through reduced interest income of approximately £68,000 per month at current rates.

FOR INFORMATION

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Background Papers: Urgent Decision Forms

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