

Council SUMMONS AND AGENDA

DATE: Thursday 24 September 2015

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: [16 September 2015]

PRAYERS

Reverend Matthew Stone, Mayor's Chaplain & Rector of St John the Evangelist, Stanmore, will open the meeting with Prayers.

1. COUNCIL MINUTES (Pages 11 - 16)

That the minutes of the Annual meeting held on 19 May 2015 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. PETITION: BELMONT CIRCLE BUSINESSES (Pages 17 - 20)

In accordance with the Council's Petition Scheme, a petition containing more than 2,000 signatures will be considered/debated by full Council. The following Petition meets the threshold of signatures needed to engender a Council debate.

A representative of the petitioners will read the terms of the petition on behalf of the petition signatories. There is a period of one minute allocated to present. A period of ten minutes is permitted for Members to debate the Petition terms and issues.

Following discussion the Council may choose to refer the petition to the Cabinet, a Committee or Corporate Director to determine the matter, taking into account the views expressed by Council.

6. 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.

7. 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 Chairs 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.

8. LEADER AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

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

9. PRESENTATION CEREMONY - RECOGNITION OF LONG SERVICE - COUNCILLOR MRS CAMILLA BATH

Further to the decision of Annual Council on 19 May 2015, there will be a presentation to Councillor Mrs Camilla Bath, marking her 25 years' service on Harrow Council which she completed in May 2015.

10. PRESENTATION CEREMONY - RECOGNITION OF LONG SERVICE - COUNCILLOR CHRISTOPHER NOYCE

Further to the decision of Annual Council on 19 May 2015, there will be a presentation to Councillor Christopher Noyce, marking his 25 years' service on Harrow Council which he completed in May 2015.

11. CORPORATE PARENTING STRATEGY (Pages 21 - 24)

Recommendation I: Cabinet
(23 April 2015)

12. REVIEW OF THE COUNCIL TAX SUPPORT (CTS) SCHEME FOR 2016/17 FINANCIAL YEAR (Pages 25 - 28)

Recommendation I: Cabinet
(17 June 2015)

13. PROPERTY PURCHASE INITIATIVE OF GOOD QUALITY TEMPORARY ACCOMMODATION (Pages 29 - 34)

Recommendation I: Cabinet
(14 July 2015)

14. TREASURY MANAGEMENT OUTTURN 2014/15 (Pages 35 - 38)

Recommendation I: Cabinet
(14 July 2015)

15. COMMUNITY SAFETY STRATEGY (Pages 39 - 42)

Recommendation I: Cabinet
(14 July 2015)

16. 'BUILDING A BETTER HARROW' - DELIVERY PROGRAMME (to follow)

Recommendation I: Cabinet
(17 September 2015)

17. GAYTON ROAD DEVELOPMENT PROPOSALS (to follow)

Recommendation I: Cabinet
(17 September 2015)

18. REVENUE AND CAPITAL MONITORING (to follow)

Recommendation I: Cabinet
(17 September 2015)

19. ARRANGEMENTS FOR THE DISMISSAL OF/DISCIPLINARY ACTION AGAINST THE HEAD OF PAID SERVICE AND CHIEF OFFICERS (Pages 43 - 54)

Report of the Director of Legal and Governance Services.

20. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES (Pages 55 - 60)

Report of the Director of Legal and Governance Services

21. 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 Chair 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 Chair 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.

22. MOTIONS

The following Motions have been notified in accordance with the requirements of Council Procedure Rule 14, to be moved and seconded by the Members indicated:

(1) Budget cuts to Welfare Motion

To be moved by Councillor Pamela Fitzpatrick and seconded by Councillor Sachin Shah:

“Council notes that:

- In George Osborne’s emergency Budget, £12bn of cuts to the UK’s vital safety net for people who have hit on hard times were laid out, with a further £19bn to be cut from non-protected government departments, including the Department for Communities & Local Government.
- In the budget many of the welfare cuts will detrimentally affect Harrow’s residents, including:
 - 18 – 21 year olds in Harrow will no longer be automatically eligible for housing benefit.
 - Employment & Support Allowance, which helps people with severe medical conditions will be cut (i.e. Working age benefits will be cut in real terms each and every year for four years).
 - Cutting the benefit cap to below the level needed by a family with two children living in the private rented sector. Tax credit, housing benefit and universal credit will be limited to two children from April 2017.
 - A new national ‘living wage’ to be introduced for over 25s, which is set almost £2 an hour lower than the London living wage.

Council believes that:

- Making 18 – 21 year olds exempt from housing benefit will be a further hit to a generation of young people both in Harrow and across the UK who are struggling to get on the housing ladder.
- The cut to Employment & Support Allowance is unjustified and will penalise people with disabilities through no fault of their own; people with severe medical conditions may no longer be able to afford to eat or heat their homes, leading to their condition deteriorating.
- The effects of these cuts will push more and more people in to severe poverty, rent arrears and homelessness.
- Setting the benefit cap at £23,000 will force families out of Harrow and London, forcing children to move schools and putting more pressure on families.
- Limiting certain benefits to families with a maximum of two children has put families in a terrible place by making no allowance for women who have become pregnant with a third child after being a victim of a traumatic sexual crime.

- The new national ‘living wage’ is solely an increase to the minimum wage, and falls below the actual living wage, which in London is £9.15.

Council resolves that:

- The Council will monitor the impacts of these welfare cuts on our residents.
- The Council is committed to supporting the most vulnerable, and is prohibited in doing this within the financial constraints placed on it by the Conservative Government.
- The Leader of the Council and the Chief Executive jointly writes to Harrow’s three MPs and the Chancellor of the Exchequer to express our concern about these changes on Harrow’s residents.
- The Council will lobby national government to reverse some cuts if they are found to impoverish or have a significant and damaging impact on the lives of our residents.”

(2) National Park City Motion

To be moved by Councillor Adam Swersky and seconded by Councillor Graham Henson:

“Council notes that:

- There is a campaign by the Greater London National Park City to make London the world’s first National Park City.
- The proposed organisation would bring together public, private and third sector organisations to enhance our natural and cultural heritage, encourage a better understanding and enjoyment of the city, foster wellbeing and inspire others to share these purposes.
- Air pollution in London is a real problem and is linked to 1 in 12 deaths in London; taking measures to improve London’s green spaces and parks will help reduce levels of air pollution, and be of benefit to all our residents health & well-being.
- Living in a green city with easy access to local parks, nature and wildlife improves the well-being of local residents.
- The London Assembly have passed a motion approving the plans to turn London into a National Park City.
- That under the guidance of the Labour administration, the Council has set a target to be the best Borough in London for recycling, as a part of its campaign to make the Borough cleaner and more green.
- The Borough of Harrow has over 100,000 trees, with a third of the

Borough categorised as green space – including five parks that have been awarded green flag status.

- Good quality green spaces are an essential component of the urban fabric of Harrow and, with over 1,300 hectares of open space within the borough, this make a profound contribution to the quality of life of local communities.
- The Council has set up Park User Group Forums to allow local people to have a greater say in how their parks are maintained, and to encourage community use of our parks.
- The Council has a fully developed open spaces strategy to preserve our parks and green spaces.

Council believes that:

- That the £83m of cuts imposed by the Conservative Government on Harrow Council and our residents, has put severe pressure on our ability to maintain our parks and open spaces to the highest possible standard.
- As a Council we should work with all organisations to improve our parks and green spaces, as well as reduce air pollution and help support our residents to access and enjoy our many parks.
- We should welcome and fully support the excellent campaign to make London the world's first National Park City.
- The Greater London National Park City initiative would bring together public, private and third sector organisations to enhance our natural and cultural heritage, encourage a better understanding and enjoyment of the city, foster wellbeing and inspire others to share these purposes.

Council resolves that:

- The Portfolio Holder for Business, Planning & Regeneration should meet with Greater London National Park City to explore how the plans to make a London a National Park City can fit in with the Labour administration's ambitious regeneration plans for the Borough.
- All Harrow Councillors should sign to declare their Wards support on the http://www.nationalparkcity.london/ward_support website.
- The Council should support the organisation in developing its vision, in particular by setting out how Harrow Council and its local partners could contribute towards its aims."

(3) National Review of Planning Permission Motion

To be moved by Councillor Barry Kendler and seconded by Councillor Keith Ferry:

“Council notes that:

- Overcrowding is an increasing problem not just in Harrow but across London.
- There is an increasing problem with ‘beds in sheds,’ where Landlords are cramming vulnerable people into unsuitable accommodation, often asking for extortionate rents.
- In 2008 there was a relaxation of planning permission laws to allow large structures to be constructed in rear gardens for domestic purposes without planning permission – this received cross party support under the Permitted Development Order SI 2362:2008.
- This change to planning law is now being exploited to build structures to house vulnerable people and charge them extortionate rents.

Council believes that:

- Everyone should have access to good quality and affordable accommodation.
- Tenants should not be exploited; the Tories disastrous housing policies have created a housing crisis in London and Harrow that is leading to vulnerable people being exploited.
- The abuse of SI 2362:2008 is creating overcrowded and insanitary living conditions, especially for migrant communities. This is damaging community relations and is creating hazardous living conditions.
- These problems were not envisaged in 2008 and the legal framework Planning Departments are working within are too weak to allow proper enforcement to take place.
- Due to the prevalence of this issue across the UK there should be a national review of SI 2362:2008.

Council resolves that:

- The Director of Planning and Chief Executive write a joint letter to Greg Clark MP, Secretary of State for Communities and Local Government, and Brandon Lewis MP, Minister of State for Housing and Planning to ask them to look at bringing in a national review on SI 2362:2008.”

(4) Supporting the Financial Transaction Tax (FTT) Motion

To be moved by Councillor Jeff Anderson and seconded by Councillor Antonio Weiss:

“Council notes that:

- Harrow Council had to make savings of £70m from 2010 to 2014 and £83m from 2014 to 2018.
- Extending the current FTT on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year.
- At least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives which is estimated to raise £30bn a year.

Council believes that:

- Revenues from the FTT could help repair the damage caused by cuts in public services since 2010.
- Local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure to help us meet the cost of an increasing and ageing population.
- Whilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other sectors, and more locally in Harrow.

Council resolves that:

- The UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.
- The Council will write to the Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, Secretary of State for Communities and Local Government and Local MPs stating this council’s support for extending FTTs.”

23. EXCLUSION OF PRESS AND PUBLIC

To resolve that the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Title</u>	<u>Description of Exempt Information</u>
25.	Information Report – Remuneration Packages and Severance Payments of £100,000 or Greater	Information under paragraph 1 (contains information relating to any individuals).

24. INFORMATION REPORT - REMUNERATION PACKAGES AND SEVERANCE PAYMENTS OF £100,000 OR GREATER (Pages 61 - 68)

Report of the Divisional Director of Human Resources, Development and Shared Services.

*** Data Protection Act Notice**

The Council will audio record items 7 and 21 (Questions with Notice) and will place the audio recording on the Council's website, which will be accessible to all.

[Note: The questions and answers will not be reproduced in the minutes.]

COUNCIL 24 SEPTEMBER 2015

MINUTES

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COUNCIL (ANNUAL) MINUTES

19 MAY 2015

- Present:**
- * Councillor Ajay Maru (The Worshipful the Mayor)
 - * Councillor Krishna Suresh (The Deputy Mayor)
- Councillors:**
- | | |
|--|---|
| <ul style="list-style-type: none"> * Ghazanfar Ali * Richard Almond * Mrs Chika Amadi * Jeff Anderson * Sue Anderson * Marilyn Ashton * Mrs Camilla Bath * June Baxter * Christine Bednell * James Bond * Michael Borio * Simon Brown * Kam Chana * Ramji Chauhan † Bob Currie * Niraj Dattani * Margaret Davine * Jo Dooley * Keith Ferry * Ms Pamela Fitzpatrick * Stephen Greek * Mitzi Green * Susan Hall * Glen Hearnden * Graham Henson * John Hinkley * Ameet Jogia † Manjibhai Kara * Barry Kendler * Jean Lammiman * Barry Macleod-Cullinane | <ul style="list-style-type: none"> * Kairul Kareema Marikar * Jerry Miles * Mrs Vina Mithani * Amir Moshenson * Chris Mote * Janet Mote * Christopher Noyce * Phillip O'Dell * Paul Osborn * Nitin Parekh * Ms Mina Parmar * Varsha Parmar * Primesh Patel * Pritesh Patel * David Perry * Kanti Rabadia * Kiran Ramchandani * Mrs Christine Robson * Lynda Seymour * Aneka Shah * Mrs Rekha Shah * Sachin Shah * Norman Stevenson * Sasi Suresh * Adam Swersky * Bharat Thakker * Antonio Weiss * Georgia Weston * Anne Whitehead * Stephen Wright |
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- * Denotes Member present
- † Denotes apologies received

PRAYERS

The meeting opened with Prayers offered by His Grace Srutidharma Das,
Mayor's Chaplain

84. MINUTE SILENCE

The Mayor requested Council to join him in observing a minute's silence in memory of former Councillor and past Mayor Mr E W H Feakins and former Councillor Adrian Knowles.

A number of Members spoke in tribute of the service each had given to Harrow.

85. ELECTION OF MAYOR

RESOLVED: That Councillor Krishna Suresh be elected Mayor of the London Borough of Harrow for the Municipal Year 2015/16.

86. ELECTION AND INVESTITURE OF DEPUTY MAYOR

RESOLVED: That Councillor Mrs Rekha Shah be elected Deputy Mayor of the London Borough of Harrow for the Municipal Year 2015/16.

87. APPOINTMENT OF CHAPLAIN

The Mayor confirmed to Council that he had appointed Reverend Matthew Stone, Rector of St John the Evangelist, Stanmore as his Chaplain for his Mayoral Year.

88. CIVIC FUNCTIONS

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

89. DECLARATIONS OF INTEREST

No interests were declared.

90. PROCEDURAL MOTIONS

There were no procedural motions.

91. MINUTES

RESOLVED: That the minutes of the meeting held on 26 February 2015 be taken as read and signed as a correct record.

92. RECOGNITION OF LONG SERVICE - COUNCILLOR CAMILLA BATH AND COUNCILLOR CHRISTOPHER NOYCE

RESOLVED: That the Long Service Awards marking Councillors Mrs Camilla Bath and Christopher Noyce's 25 years service as Members for Harrow Council in May 2015 be approved.

93. CABINET AND COMMITTEE MEMBERSHIPS

RESOLVED: That

- (i) it be noted that Councillor Keith Ferry was the Deputy Leader of the Council;**
- (ii) it be noted that the Councillors appointed to Cabinet with the identified portfolios, as contained in the report, be noted;**
- (iii) the determination of the allocation of places on the Council's Committees contained in the report and in accord with the 'political balance' rules in the Local Government and Housing Act 1989 be agreed;**
- (iv) the establishment and terms of reference of all of the Council's Committees as contained in Appendix A to the report be agreed;**
- (v) the establishment and terms of reference of the Cabinet Advisory Panels and Consultative Forums as contained in Appendix B to the report be agreed.**

94. APPOINTMENT OF CHAIRS TO COMMITTEES

RESOLVED: That the following Councillors be elected as the Chairs of the relevant Committees:

Governance, Audit, Risk Management and Standards	Councillor Antonio Weiss
Health and Wellbeing Board	Councillor Anne Whitehead
Licensing and General Purposes	Councillor Kairul Kareema Marikar

Overview and Scrutiny	Councillor Jerry Miles
Planning	Councillor Keith Ferry
Pension Fund	Councillor Adam Swersky

95. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

RESOLVED: That the Outside Body appointments for the Municipal Year 2015/16 be approved, as set out in the second supplemental summons.

96. WEST LONDON WASTE PLAN ADOPTION

RESOLVED: That the West London Waste Plan be adopted as part of the Borough's Local Plan.

97. SCRUTINY ANNUAL REPORT 2014/15

RESOLVED: That the Scrutiny Annual Report 2014-15 be endorsed.

98. CONSTITUTIONAL CHANGES

RESOLVED: That the proposed changes to the Constitution, as set out in the report, be approved.

99. DATES OF COUNCIL MEETINGS 2015/16

RESOLVED: That the dates of the following Council meetings be confirmed:

- 24 September 2015**
- 3 December 2015**
- 25 February 2016**
- 19 May 2016 (Annual)**

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 8.38 pm).

COUNCIL
24 SEPTEMBER 2015

CABINET MINUTE EXTRACTS
PETITIONS

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CABINET

14 JULY 2015

Record of decisions taken at the meeting held on Tuesday 14 July 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Richard Almond	Minute 219
Manjibhai Kara	Minute 218
Chris Mote	Minute 219
Janet Mote	Minute 219

* Denotes Member present
† Denotes apologies received

218. Petitions

To note that the following petition had been received:

1. **Petition: For the Belmont Circle Businesses**

Councillor Manji Kara submitted a petition on behalf of a local resident, Dipesh Patel, containing a further 1,300 plus signatures in addition to the 1,300 already submitted, with the following terms of reference:

“We refer to one of the Corporate Priorities for 2015/19 of Harrow Council – **“Making a difference for local business”** and we hope, by that, you meant better! Harrow Council recently implemented a parking and traffic management plan for Belmont Circle Area as approved at the TARSAP meeting on 10 December 2014.

As a result of the scheme, especially introduction of double yellow lines, a good number of available parking spaces have been removed and parking displaced. This has resulted in shoppers not being able to park and continue to bring business to the area. We can categorically confirm that this has resulted in substantial drop in business to the detriment of the sustainability of once flourishing business.

We, the business owners along with our valued customers, urge the Harrow Council to urgently review the scheme and revert the implementation of at least the restrictive double lines. If the double lines were introduced for safety measure, we would like the council to produce evidence of any accidents in recent years.

We welcome the full support of our ward councilors in this matter.”

RESOLVED: That the petition be referred to the Corporate Director of Environment and Enterprise and, in accordance with the Council's Petition Scheme, to Council.

COUNCIL
24 SEPTEMBER 2015

CABINET
RECOMMENDATION
(23 APRIL 2015)

RECOMMENDATION I

CORPORATE PARENTING STRATEGY

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CABINET

23 APRIL 2015

Record of decisions taken at the meeting held on Thursday 23 April 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Graham Henson
* Simon Brown	* Varsha Parmar
* Margaret Davine	* Sachin Shah
* Keith Ferry	* Anne Whitehead
* Glen Hearnden	

In attendance:

Susan Hall	Minute 170
Barry Kendler	Minute 182
Barry Macleod-Cullinane	Minutes 170, 181 & 182
Janet Mote	Minute 170
Adam Swersky	Minute 181

* Denotes Member present

RECOMMENDED ITEMS

173. Corporate Parenting Strategy

Resolved to RECOMMEND: (to September 2015 Council)

That the Corporate Parenting Strategy be noted and the position that all Members should undertake training to ensure they understand and were able to meet their Corporate Parenting responsibilities be endorsed.

RESOLVED: That the Corporate Parenting Strategy be approved.

Reason for Decision: To ensure that all Members were aware of their responsibilities as Corporate Parents and the Council's current strategy for addressing the needs of Looked After Children.

Alternative Options Considered and Rejected: None.

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

COUNCIL 24 SEPTEMBER 2015

CABINET RECOMMENDATION (17 JUNE 2015)

RECOMMENDATION I

REVIEW OF THE COUNCIL TAX SUPPORT (CTS) SCHEME FOR 2016/17 FINANCIAL YEAR

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CABINET

17 JUNE 2015

Record of decisions taken at the meeting held on Wednesday 17 June 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	* Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Richard Almond	Minute 205
Stephen Greek	Minute 205
Barry Macleod-Cullinane	Minute 205

* Denotes Member present

RECOMMENDED ITEMS

208. Review of the Council Tax Support (CTS) Scheme for 2016/17 Financial Year

Resolved to RECOMMEND: (to Council)

That there was no need to review the Council Tax Support (CTS) Scheme for 2016/17 financial year and that the existing CTS scheme, as previously adopted by full Council, for the 2016/17 financial year, be continued with.

RESOLVED: That it be noted that the Council Tax Support (CTS) Scheme met the Council's statutory duties and required no changes.

Reason for Decision: The current CTS scheme was based upon retaining the initial provisions for two consecutive financial years, 2013/14 and 2014/15, so long as key conditions remained unchanged. Thereafter, the Scheme was to be reviewed annually.

There had been no significant fundamental changes, either in caseload, demographics or the economy, which would require the Council to consider reviewing or replacing the scheme as determined by full Council.

Alternative Options Considered and Rejected: None.

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

**COUNCIL
24 SEPTEMBER 2015**

**CABINET
RECOMMENDATION
(14 JULY 2015)**

RECOMMENDATION I

**PROPERTY PURCHASE INITIATIVE OF
GOOD QUALITY TEMPORARY
ACCOMMODATION**

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CABINET

14 JULY 2015

Record of decisions taken at the meeting held on Tuesday 14 July 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Richard Almond	Minute 219
Manjibhai Kara	Minute 218
Chris Mote	Minute 219
Janet Mote	Minute 219

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

222. Property Purchase Initiative to increase the supply of good quality Temporary Accommodation

Having considered the confidential appendix, it was

Resolved to RECOMMEND: (to Council)

That an addition of a total of £30m to the Capital Programme be approved to enable the Council to proceed with the purchase and repair of properties, as set out in resolution 1 below; an initial spend profile to assume a spend of £7.5m in 2015-16, £15m in 2016-17 and the final £7.5m in 2017-18, though

this might vary depending on how quickly appropriate properties could be sourced.

RESOLVED: That

- (1) the Divisional Director of Housing Services, following consultation with the relevant Portfolio Holder(s), be authorised to acquire up to 100 properties on the open market for the purpose of providing temporary accommodation, at a maximum cost of £30m to include the purchase price, with all costs associated with the acquisition and initial repairs and refurbishment as set out in the report; the current assumption being that these properties would be held outside of the Council in a Limited Liability Partnership (LLP) that would be set up to hold investment property on behalf of the Council; with the intention that the LLP would purchase the properties directly, but in the event of any delay in establishing the LLP, it was anticipated that the Council would proceed with the purchase of appropriate properties on the basis that they would then be transferred into the ownership of the LLP once established;
- (2) as set out in the report, the transfer of the properties under the initiative to the LLP was assumed to be financed entirely by partnership capital, with 95% being funded by Council, with the balance being funded by the holding company set up to deliver the Council's trading activities; and therefore the Interim Director of Finance, following consultation with the Finance and Major Contracts Portfolio Holder, be authorised to invest an amount not exceeding £30m in the LLP, with 95% of this being assumed to be partnership capital from the Council, and 5% assumed to be partnership capital of the Holding company;
- (3) the Divisional Director of Housing Services, following consultation with the Portfolio Holder for Housing, be authorised to acquire properties at a premium, as set out in Appendix 1 to the report, above the price set out in the valuation report to enable flexibility in negotiation of price in a rising housing market provided the overall costs of acquiring the 100 properties were contained within the maximum authorised cost of £30m;
- (4) it be noted that the indicative cash flows produced by the Business Model attached at Appendix 1 to the report, which currently showed that the LLP was likely to generate annual profits the majority of which (95% under the current proposal) would be attributable to the Council and therefore be exempt from corporation tax; the 5% proportion attributable to the Holding company would be income that would be subject to corporation tax;
- (5) the Divisional Director of Housing Services, in consultation with the Corporate Director of Resources, and following consultation with the relevant Portfolio Holder(s), be authorised to determine the most efficient way to manage the property acquisition programme and invite and evaluate tenders and award contracts for any services, including repairs and maintenance contracts, necessary for the programme within the agreed budget;

- (6) the Corporate Director of Environment and Enterprise, following consultation with the relevant Portfolio Holder(s), be authorised to transfer the freehold of 33 Whitefriars Avenue from the General Fund to the Housing Revenue Account for the consideration of £275,000.

Reason for Decision: To enable a Property Acquisition Programme to provide good quality temporary accommodation to be progressed and start to deliver Bed and Breakfast savings as soon as possible.

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.

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COUNCIL
24 SEPTEMBER 2015

CABINET
RECOMMENDATION
(14 JULY 2015)

RECOMMENDATION I

TREASURY MANAGEMENT OUTTURN
2014/15

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CABINET

14 JULY 2015

Record of decisions taken at the meeting held on Tuesday 14 July 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Richard Almond	Minute 219
Manjibhai Kara	Minute 218
Chris Mote	Minute 219
Janet Mote	Minute 219

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

223. Treasury Management Outturn 2014/15

Resolved to RECOMMEND: (to Council)

That the proposed revised Counterparty Policy, as described in Appendix 6 to the report, be approved.

RESOLVED: That

- (1) the outturn position for treasury management activities for 2014/15 be noted;

- (2) the report be referred to the Governance, Audit, Risk Management and Standards Committee for review;
- (3) paragraph 32 of the report be noted, including that officers would investigate new investment opportunities for consideration by Cabinet and Council.

Reason for Decision: To promote effective financial management and comply with the Local Authorities (Capital Finance and Accounting) Regulations 2003 and other relevant guidance. To be availed of treasury management activities and performance.

Alternative Options Considered and Rejected: None.

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

COUNCIL
24 SEPTEMBER 2015

CABINET
RECOMMENDATION
(14 JULY 2015)

RECOMMENDATION I

COMMUNITY SAFETY STRATEGY

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CABINET

14 JULY 2015

Record of decisions taken at the meeting held on Tuesday 14 July 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Richard Almond	Minute 219
Manjibhai Kara	Minute 218
Chris Mote	Minute 219
Janet Mote	Minute 219

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

224. Community Safety Strategy

Resolved to RECOMMEND: (to Council)

That the Community Safety Strategy be adopted.

Reason for Decision: To comply with statutory requirements.

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.

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COUNCIL
24 SEPTEMBER 2015

**ARRANGEMENTS FOR THE DISMISSAL
OF/DISCIPLINARY ACTION AGAINST THE
HEAD OF PAID SERVICE AND CHIEF
OFFICERS**

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REPORT FOR: COUNCIL

Date of Meeting:	24 September 2015
Subject:	Arrangements for the dismissal of/disciplinary action against the Head of Paid Service and Chief Officers
Responsible Officer:	Hugh Peart Director of Legal and Governance Services
Exempt:	No
Wards affected:	None
Enclosures:	Appendix 1 – Proposed Terms of Reference of Statutory Chief Officers Disciplinary Panel Appendix 2 – Other proposed constitutional changes

Section 1 – Summary and Recommendations

This report sets out proposed amendments to the Constitution in order to comply with new Regulations regarding arrangements for considering the dismissal of the Monitoring Officer, Head of Paid Service and Chief Finance Officer (s.151 officer). It also recommends changes to the constitution to allow for action short of dismissal to be taken against chief officers by the Chief Officer Employment Panel and for an appeal to full Council.

Recommendation:

It is recommended that Council:

1. Appoints a Committee under Section 102(4) of the Local Government Act 1972 with terms of reference and membership as set out in Appendix 1.
2. Appoints the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition Group to the Committee

3. Appoints the Leader of the Council as Chair of the Committee
4. Agrees amendments to the terms of reference of the Chief Officer Employment Panel and to the functions and terms of reference of full Council as set out in Appendix 2.
5. Agrees other consequential and additional changes to the Constitution as set out in Appendix 2.

Section 2 – Report

Background

The Local Authorities (Standing Orders) (England) Regulations 2001 set out provisions in relation to the disciplining and dismissal of the head of paid service, monitoring officer and chief finance officer ('the relevant officers'). In particular, up until recent changes, they provided for the appointment of a designated independent person (DIP) to investigate allegations made against these officers and to provide a binding recommendation in respect of any disciplinary action to be taken against them.

The Local Authorities (Standing Orders) (England) Regulations 2015 amend the Regulations to remove the requirement of a DIP and to make the following provisions which must be adopted by the Council:

- 1) Only full Council may approve the dismissal of a relevant officer (at present the Chief Officer Employment Panel has the power to dismiss all Chief Officers whereas the power to confirm the dismissal of the Head of Paid Service lies with full Council);
- 2) A panel must be set up under the provisions of s.102(4) of the Local Government Act 1972 at least 20 working days before the meeting of full Council with the function of advising the authority on matters relating to the dismissal of relevant officers;
- 3) The 'independent persons' appointed for the purposes connected with standards complaints against members must be invited to be on the panel with a view to appointing at least two such persons;
- 4) Before voting on dismissal, full Council must take into account:
 - a. Any advice, views or recommendations of the Panel;
 - b. The conclusion of any investigation into the proposed dismissal; and
 - c. Any representations from the relevant officer.

The requirement to go through the process set out in 2 to 4 above apply where disciplinary action is to be taken against the officer. This excludes dismissal by reason of redundancy, expiry of a fixed term contract and permanent ill-health.

The legislation does not deal with action short of dismissal. At present there are no provisions in the constitution to deal with the possibility of imposing a lesser sanction. The proposed terms of reference allow for a lesser sanction but, as it does not have decision-making powers, it is proposed that the Panel makes a recommendation to the Chief Officers' Employment Panel (COEP) for decision with a right of appeal to Council.

Similarly, the COEP does not currently have a power to impose a lesser disciplinary sanction on other chief officers and therefore it is proposed that its terms of reference be amended to allow for this possibility and also that an appeal can be made to full Council against dismissal or any other disciplinary sanction.

The Panel

The legal requirement is only for the panel to be set up at least 20 working days before the meeting of full Council which considers dismissal. However, it is proposed that a panel is provided for in the Constitution so that, should it be needed, a meeting of full Council is not required for the purpose of setting up a panel, particularly as it is advisable to avoid delay in a disciplinary process.

The regulations also only require that independent persons should sit on the panel. However, they do not preclude elected members also sitting on the panel.

It is therefore proposed that Council set up a Statutory Officers Disciplinary Panel with the terms of reference set out in Appendix 1 and a membership of three elected members being the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition Group and two independent persons, to be invited as and when required. The option for a panel without members was considered but is not recommended because it is considered that members should be involved in any decisions relating to the employment of these Chief Officers.

Contractual issues

Notwithstanding the position under the Regulations, procedures incorporating the need for an investigation are part of the relevant officers' contracts and this cannot be affected by changes to the Constitution.

Procedures are incorporated into individual contracts of employment by way of the JNC for Chief Executives and JNC for Chief Officers collective agreements. Therefore, these procedures still have to be followed. It is not proposed to seek to negotiate locally to change these procedures and in any event the Chief Officers' procedure is broadly in line with the new arrangements for the Monitoring Officer and Chief Finance Officer in respect of dismissal. However, the contractual procedure for Chief Officers also requires a panel of at least three elected members to decide on disciplinary action against Chief Officers and a right of appeal. The proposed amendments to the COEP terms of reference and provisions in respect of full Council fulfil these requirements.

National negotiations are currently taking place on the revision of the Chief Executives' model procedure which currently includes provision for the Designated Independent Person. Any changes will be automatically incorporated into the contract of the Chief Executive.

The principal difference between the new statutory procedure and the existing JNC for Chief Executives' procedure is the requirement for a Designated Independent Person who is to be appointed by the Secretary of State in default of agreement between the parties. It is now unlikely that the Secretary of State would agree to appoint a DIP and the parties would have to agree on a course of action if this was the case. It is expected that the new JNC procedure will include alternative arrangements and therefore this will not be an issue in the long term.

The contractual procedure for the Chief Executive also provides that a Committee should be able to take action short of dismissal. Under the proposals in this report the COEP can do this following a recommendation from the new Panel. It is not considered that this additional

stage would prejudice the position of an officer. The contractual procedure also allows for the Chief Executive to appeal to an Appeals Committee against action short of dismissal. It is considered that an appeal to full Council will fulfil this requirement.

Consequential and additional amendments to the constitution

Changes required to the terms of reference of Council and the Chief Officers' Employment Panel and to the Chief Officers Employment Procedure Rules are at Appendix 2.

Changes to the Committee Procedure Rules are also recommended. It is not in accordance with natural justice for speakers to be restricted in proceedings which affect employment rights and therefore it is proposed that the normal closure time of 10.30 is disapplied as well as time restrictions on speeches. Provision is also made for the officer and a person representing them under the statutory right to be accompanied at such a hearing to speak during the meeting and for questions to be put to the officer by members.

Legal comments

The provisions of the Regulations must be adopted by the Council no later than the first ordinary meeting of the Council after 11 May 2015.

The Regulations do not require an investigation to be carried out, although Council must take into account any investigation which has taken place. In order for the Council to show that a dismissal is fair it must be able to show that a reasonable investigation has been carried out and therefore the terms of the reference incorporate provision for investigation.

Another element of showing that a dismissal is fair is a right of appeal. The Regulations make this problematic as the decision is effectively to be taken by full Council and there is therefore no 'higher' body to consider an appeal. However, if as proposed the officer has the opportunity to make representations to the Disciplinary Panel and then to full Council, this effectively gives the officer the two stage process which is required for a fair procedure.

An officer has a statutory right to be accompanied at an appeal and that person has a legal right to address the hearing.

Financial Implications

No additional financial resources are required.

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

Was an Equality Impact Assessment carried out? No

Council Priorities

Having legally compliant processes in relation to the employment of senior staff is important in ensuring that the Council can concentrate on its priorities.

Section 3 - Statutory Officer Clearance

Name:.....Dawn Calvert	<input checked="" type="checkbox"/>	Chief Financial Officer
Date:15.09.15.....		
Name:Caroline Eccles.....	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date:15.09.15.....		

Ward Councillors notified:	NO
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Section 4 - Contact Details and Background Papers

Contact: Caroline Eccles, Senior Lawyer – Employment and Governance, tel: 0208 424 7580

Background Papers:

JNC for Chief Officers of Local Authorities - Constitution, Conditions of Service and Salaries

http://www.local.gov.uk/c/document_library/get_file?uuid=5edc27fb-ceb3-44d9-afa2-766c948df233&groupId=10180

JNC for Local Authority Chief Executives – National Salary Framework and Conditions of Service Handbook

http://www.local.gov.uk/c/document_library/get_file?uuid=9c0cff8a-3b6c-46c2-8e85-4d5db120865d&groupId=10180

If appropriate, does the report include the following considerations?

1.	Consultation	N/A
2.	Priorities	N/A

Appendix 1

Proposed terms of reference of Statutory Chief Officers Disciplinary Panel

The Panel has the following powers in respect of matters which might lead to the dismissal of, or disciplinary action against, the Chief Finance Officer, Monitoring Officer or Head of Paid Service except in relation to matters concerning redundancy, the expiry of a fixed term contract or permanent ill health:

1. To arrange for the investigation of the matter;
2. To consider the investigation report and representations (including in person) by the officer;
3. To make recommendations to Council in relation to the dismissal of the officer; and
4. Where the panel decides it to be appropriate, to make recommendations to the Chief Officers Employment Panel for action short of dismissal or to confirm that the matter should not progress further

Membership

The Panel shall consist of three elected members and two independent persons appointed by the Council under section 28(7) of the Localism Act who will be invited to a Panel meeting as and when required.

Appendix 2 – Other changes to the Constitution

Chief Officers Employment Panel

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

(b) To appoint and dismiss Chief Officers excluding the dismissal of the Chief Financial Officer and Monitoring Officer.

(c) To make recommendations to Council on the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer in cases of redundancy, permanent ill health or the expiry of a fixed term contract.

(d) To consider recommendations from the Statutory Chief Officers' Disciplinary Panel and decide whether to impose a disciplinary sanction in accordance with such a recommendation.

~~(b)~~(e) To consider whether to impose a disciplinary sanction on a chief officer other than where a recommendation from the Statutory Chief Officers' Disciplinary Panel is required.

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Council

Article 4

Amendment to 4.02

4.02 (m) confirming the appointment of the Head of Paid Service or the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer;

Insertion of new provision

Deciding whether to reject or uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

Part 3A – Terms of Reference – Full Council

Amendment to (n)

(n) confirming the appointment of the Head of Paid Service or the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer;

Insertion of new provision

Deciding whether to reject or uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

Procedure Rules

Chief Officers Employment Procedure Rules

Paragraph 9

The dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer requires the approval of full Council before a notice of dismissal can be given.

Paragraph 7

Deletion of the following paragraph:

(F) Independent Person

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

Council Procedure Rules

9. Duration of Meetings

9.1 Commencement and Closure

Meetings of the Council will commence at 7.30 pm and close at 10.30 pm, except as determined under Rule 9.2 or where the Council is:

(a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or

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(b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officer Employment Panel.

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9.2 Varying the Closure Time

9.2.1 A meeting of the Council shall terminate in the manner set out in Rule 9.3 unless:

9.2.1.1 the business of the meeting has been completed before 10.30 pm; or

9.2.1.2 by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:

(a) to continue in the normal manner and complete the business remaining on the summons; or

(b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate.

9.2.2 For the avoidance of doubt, a meeting may use the provisions within 9.2.1.2(b) above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.

9.2.3 In considering whether (a) and (b) above are expedient, the Council will have regard to not prejudicing third party rights or interests affected by the remaining business on the summons.

16. Rules Of Debate

16.4 Content and Length of Speeches

16.4.1 This Rule does not apply to motions moved under Rule 15, which must (except as stated in Rule 15) be moved and seconded without speeches.

16.4.2 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

16.4.3 Subject to sub-paragraph 16.4.4 the speech of a proposer of a motion or of an amendment shall not exceed five minutes and no other speech shall exceed three minutes.

16.4.4 The Mayor may allow speeches to continue for a longer period where he/she considers that it is the wish of the Council that they should do so.

16.4.5 Rule 16.4.3 does not apply where the Council is:

(a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or

(b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officer Employment Panel.

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Insert new rule 14 as follows:

14. Items affecting the employment of officers

14.1 This rule applies during consideration of an appeal from an officer arising out of a decision made by the Chief Officers Employment Panel or a recommendation to dismiss made by the Statutory Chief Officers Disciplinary Panel.

14.2 The officer who is the subject of the item and a person accompanying him or her under the statutory right to be accompanied has the right to speak in relation to the item.

14.3 Rule 12 (Questions without notice) shall apply with a modification that questions may also be asked of the officer who is the subject of the item.

COUNCIL
24 SEPTEMBER 2015

**APPOINTMENT OF REPRESENTATIVES TO
OUTSIDE BODIES**

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REPORT FOR: COUNCIL

Date of Meeting:	24 September 2015
Subject:	Appointment of Representatives to Outside Bodies
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Exempt:	No
Enclosures:	Appendix A

1. Introduction

- 1.1 Council are asked to agree the nomination of Members to the following two new outside bodies:
- (a) **London Councils' Pensions Collective Investment Vehicle;**
 - (b) **London Councils' Employment and Skills Lead Member; and**
 - (c) to nominate Alderman Keith Toms to the **Mayor of Harrow's Charity Fund Trustees.**

2. Recommendations:

- 2.1 That Councillors Adam Swersky and Keith Ferry be appointed as representatives to **London Councils' Pensions Collective Investment Vehicle** for the remainder of the Municipal Year 2015/16.
- 2.2 That Councillor Keith Ferry be appointed as representative to **London Councils' Employment and Skills Lead Member** for the remainder of the Municipal Year 2015/16.
- 2.3 That Alderman Keith Toms be appointed as representative to **Mayor of Harrow's Charity Fund Trustees.**

Contact:

Elaine McEachron, Democratic & Electoral Services Manager
Tel: 020 8424 1097
E-mail: elaine.mceachron@harrow.gov.uk

Background Papers: None.

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Appendix A - Appointments To Outside Bodies 2015/16

Name of body	No. reps.	Current representatives 2014/15	Current Deputies where applicable (for 2014/15)	Proposed Appointee (for 2015/16)	Proposed Deputies where applicable (for 2015/16)
London Councils' Pensions Collective Investment Vehicle	1	None	N/A	1. Adam Swersky	1. Keith Ferry
London Councils' Employment and Skills Lead Member	1	None	N/A	1. Keith Ferry	N/A
Mayor of Harrow's Charity and Trustees	3 (+4 Burgesses)	1. Ann Groves 2. Alderman Keith Toms 3. Cllr Christine Bednell Burgesses: 1. Mrs G Branch 2. Mr O Cock 3. Mrs B Cripps 4. Mrs R Feakins	N/A	1. Alderman Toms	N/A

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