

# **Council (Council Tax) SUMMONS AND AGENDA**

**DATE:** Thursday 25 February 2016

**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:** [17 February 2016]

## **PRAYERS**

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

### **1. COUNCIL MINUTES (Pages 9 - 20)**

That the minutes of the meeting held on 3 December 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. 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.

### **4. PETITIONS**

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 Petitions meet 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.

#### **(a.) PETITION: DON'T FORCE COMMUNITIES OUT OF WEALDSTONE**

A petition containing 2,400 signatures has been received and has the following terms:

'Don't Force Communities out of Wealdstone Petition

Harrow Council has announced plans for a new Civic Centre in Wealdstone, which could force out a community banqueting hall, a local temple and undermine local businesses by closing the Peel House car park.

Under the plans Premier Banqueting, a local temple and other organisations could face closure, with their buildings demolished to make way for the new Civic Centre.

We believe that putting these popular and valued community assets at risk

would be a major loss to Wealdstone and its local economy, and call on the Council's administration to rethink their plans.'

(b.) **PETITION: THE BRIDGE**

A petition containing 3,152 signatures has been received and has the following terms:

'Petition: The Bridge

We, the undersigned, hereby petition Harrow Council and ask that the decision to close The Bridge should be reconsidered as the impact of the closure on service users, their carers, families and the wider community has not been thought through.'

**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 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.

**7. 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.

**8. CORPORATE PLAN (To Follow)**

Recommendation I: Cabinet  
(18 February 2016)

**9. FINAL REVENUE BUDGET 2016/17 AND MEDIUM TERM FINANCIAL STRATEGY 2016/17 TO 2019/20 (To Follow)**

Recommendation I: Cabinet  
(18 February 2016)

**10. TREASURY MANAGEMENT STRATEGY STATEMENT INCLUDING PRUDENTIAL INDICATORS, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2016-17 (To Follow)**

Recommendation I: Cabinet  
(18 February 2016)

**11. CAPITAL PROGRAMME 2016/17 TO 2019/20 (To Follow)**

Recommendation I: Cabinet  
(18 February 2016)

**12. HOUSING REVENUE ACCOUNT BUDGET AND MEDIUM TERM FINANCIAL STRATEGY 2016-17 to 2019-20 (To Follow)**

Recommendation I: Cabinet  
(18 February 2016)

**13. HOMES FOR HARROW: BUILDING HOMES FOR PRIVATE SALE TO CROSS SUBSIDISE AFFORDABLE HOUSING DEVELOPMENT (Pages 21 - 24)**

Recommendation I: Cabinet  
(10 December 2015)

**14. INVESTMENT PROPERTY STRATEGY (Pages 25 - 28)**

Recommendation I: Cabinet  
(10 December 2015)

**15. MINIMUM REVENUE PROVISION POLICY STATEMENT - REVISION (Pages 29 - 32)**

Recommendation I: Cabinet  
(10 December 2015)

**16. NON-EXECUTIVE FEES AND CHARGES FOR 2016/17 (Pages 33 - 54)**

Report of the Head of Paid Service

**17. PROPOSED PROTOCOL ON OFFICER DECISION-MAKING (Pages 55 - 64)**

Report of the Monitoring Officer

**18. DECISION TAKEN UNDER THE URGENCY PROCEDURE BY CABINET**  
(Pages 65 - 70)

Report of the Monitoring Officer

**19. 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.

**20. MOTIONS**

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

**(1) Fund our local NHS fairly Motion**

To be moved by Councillor Anne Whitehead and seconded by Councillor Varsha Parmar:

**This Council Notes:**

- Harrow's CCG is responsible for funding and allocating resources for healthcare services in Harrow, such as GP practices and walk-in clinics.
- Across London, Harrow's Clinical Commissioning Group (CCG) has the second lowest per capita allocation in 15/16, and one of the lowest for 14/15 and 13/14.
- In response to a recent question tabled in Parliament by Harrow West Labour MP Gareth Thomas, Health Ministers revealed that Harrow had received the lowest amount of funding per head of any CCG in London over the three year period since the Conservative-led Coalition Government's top-down re-organisation of the NHS in 2012.
- This poor funding allocation on NHS spend for Harrow's residents is a historic trend, with Harrow's former Primary Care Trust (PCT) also having one of the lowest per capita allocation across London.
- Gareth Thomas MP has asked the Health Secretary in a Parliamentary question what he is doing to help Harrow's CCG avoid its projected deficit of £116.4m in 2018-19.

- The amazing work our doctors, nurses and all staff across our NHS in Harrow do day in day out. All this hard work is in the climate of our local health service being severely underfunded compared to other parts of London, and across the country.
- This poor deal for Harrow's residents is on top of the long running problems of waiting times at Northwick Park Hospital. In November Northwick Park Hospital was one of the worst hospitals in London for meeting the 4 hour A & E waiting time target. Northwick Park Hospital was only able to see 72% of patients in 4 hours against a 95% target.
- Harrow Council has started the '159' campaign to get a better deal for its residents. A poor funding settlement from Government means that the Council receives £159 less than the London average for every person in Harrow. That's £39.8 million this year for the borough as a whole.

#### **This Council Believes:**

- To have both the CCG and local Council receive a well below average funding settlement from Government is a double whammy for our residents.
- Harrow's public services should receive a fair funding allocation from Central Government.
- Our residents deserve to have a local Council and NHS that is properly funded so we can provide the vital services our residents rely on, from street cleaning and care for the elderly to GP services and medical walk in centres.
- The Council and the CCG have a strong track record of working together to create innovative and preventative work, which is now being put at risk by the Government's insufficient support for the NHS both locally in Harrow and across the country.
- All Councillors should be joining the efforts of the administration and local MP to secure a fair deal for our residents.

#### **The Council resolves:**

- To support Harrow West MP Gareth Thomas in his efforts to secure a fair funding deal for Harrow's CCG.
- The Council's Chief Executive to write to the Secretary of state, Jeremy Hunt MP, to ask for a review of the inadequate funding resources that our local Harrow CCG receives.
- The Council to work constructively with the local CCG over the coming months and years to campaign for a fair funding settlement from Central Government so we can continue to deliver the outstanding

health and social care that our residents expect.

**\* Data Protection Act Notice**

The Council will audio record items 6 and 19 (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.]

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# **COUNCIL 25 FEBRUARY 2016**

## **MINUTES**

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# COUNCIL MINUTES

## 3 DECEMBER 2015

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

## **PRAYERS**

The meeting opened with Prayers offered by Reverend Matthew Stone, Mayor's Chaplain & Rector of St John The Evangelist, Stanmore.

### **125. MINUTE SILENCE**

The Mayor, elected Members and all those present observed a Minute's Silence in respect of those who had lost their lives to terrorist atrocities across the world.

### **126. COUNCIL MINUTES**

**RESOLVED:** That the minutes of the meeting held on 24 September 2015 be taken as read and signed as a correct record.

### **127. DECLARATIONS OF INTEREST**

The Mayor invited appropriate declarations of interest.

Councillor Susan Hall declared a non-pecuniary interest in that she had a business in Wealdstone, which was the subject of a public question and a petition. She would remain in the room whilst the matters were considered and voted upon.

### **128. PROCEDURAL MOTIONS**

- (i) The Mayor drew Council's attention to the tabled Procedural Motions. The Motions were agreed.
- (ii) The Mayor drew Council's attention to the amendments to the Harrow £159 Campaign Motion and the Government Cuts making Harrow Residents poorer Motion contained in the Tabled Documents. The amended Motions were agreed.
- (iii) The Mayor also drew Members' attention to a further tabled amendment.

### **129. CROSS PARTY MOTION - HARROW UNITED IN THE FACE OF TERRORIST ATROCITIES MOTION**

The Council received a cross party Motion in the names of Councillor David Perry, Councillor Susan Hall, Councillor Keith Ferry and Councillor Barry Macleod-Cullinane.

"This Council notes:

- The shocking events in Paris on Friday 13<sup>th</sup> November, where 132 innocent people were killed in terrorist atrocities.
- The recent terrorist attacks across the world; with 224 people losing their lives in the bombing of a Russian passenger plane, 40 people killed in bombings in Beirut, 5 people shot to death at a Jerusalem synagogue and 20 people killed at a hotel in Bamako. Terrorism knows no borders, and these horrific incidents are just some examples of the lives lost to terrorist atrocities over the past few weeks.
- The outpouring of condolences from across our many communities in Harrow, with declarations of support and solidarity with the families who have lost loved ones in terrorist atrocities across the world.

This Council believes:

- Harrow's diversity is our strength; we are proud to be a Borough where people of different backgrounds and faiths respect each other.
- Elected representatives of all parties should work together to keep our residents safe and to condemn acts of terror that threaten our shared values of democracy and freedom of expression.

The Council resolves:

- To hold a minute's silence at Full Council to mark with respect and sorrow all of the victims of terrorist atrocities across the world.
- To condemn anyone who would try to promote fear or hatred in our Borough.
- To show strong local leadership in promoting tolerance, respect and cohesiveness amongst our many communities; events like the Paris shootings should not divide us."

Upon a vote, the Motion was agreed unanimously.

**RESOLVED: (Unanimously)**

**That the Motion, as set out above, be adopted.**

### **130. PETITION: RESCUE OF PINNER MEMORIAL PARK**

In accordance with the Council's Petition Scheme, Council received a petition containing over 2,000 signatures as follows

- (i) Petition submitted by residents containing approximately 5,029 signatures in relation to the "Rescue of Pinner Memorial Park" and to "Bring back Tracy Full time".
- (ii) Debate was held on the content of the petition.

**RESOLVED: That the petition be referred to the Chief Executive for consideration.**

### **131. PETITIONS**

In accordance with Rule 10, the following petition was presented

- (i) Petition submitted by Councillor Susan Hall containing 2,400 signatures requesting that the Council re-think the plans for a new Civic Centre in Wealdstone.

[The petition stood referred to Council for debate on 25 February 2016 in accordance with the Petition Scheme].

### **132. PUBLIC QUESTIONS**

To note that one question from a member of the public had been received and responded to, and the recording of this question and the answer given had been placed on the Council's website.

### **133. LEADER AND PORTFOLIO HOLDERS' ANNOUNCEMENTS**

- (i) The Leader of the Council, Councillor David Perry, introduced the item highlighting the achievements, challenges and proposals since the last ordinary meeting. He also paid tribute to Clifton Jackson and Keith Chilvers who had recently passed away.
- (ii) Other Members of the Council spoke and/or asked questions of the Leader of the Council which were duly responded to.

### **134. HARROW YOUTH OFFENDING PARTNERSHIP YOUTH JUSTICE PLAN 2015-18**

**RESOLVED: That the Harrow Youth Offending Partnership Youth Justice Plan 2015-18 be approved.**

### **135. REVISED POLICIES UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005**

**RESOLVED: That**

- (i) the revised Licensing Policy be approved; and
- (ii) the revised Gambling Policy be approved.

**136. CHANGES TO THE CONSTITUTION ARISING FROM THE COUNCIL'S MEMBERSHIP OF THE WEST LONDON ECONOMIC PROSPERITY BOARD**

**RESOLVED:** That the amendments to the Constitution set out in the report be approved.

**137. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL**

**RESOLVED:** That the report be noted.

**138. QUESTIONS WITH NOTICE**

Six Councillor questions were received and were responded to and a recording placed on the Council's website.

**139. MOTIONS**

Further to the procedural Motion previously agreed, at item 13 the Council received two Motions:

- (i) Motion in the names of Councillor David Perry and Councillor Sachin Shah.

"Harrow £159 Campaign – Motion

Council notes:

- That previous administrations, both Labour and Conservative, have both campaigned to get Harrow a fairer grant deal from Central Government.
- The report by LG Futures (Analysis of Funding Drivers, October 2014) was commissioned to understand Harrow's funding context in comparison with other London boroughs, and the rest of the UK. The report made a number of findings that have raised concerns about Harrow's spending power and how our Government grants are calculated.
- In respect of spending power, the analysis found that in Harrow our residents have £39.8m less spent on them than the London average – that is £159 less per person than the average Londoner.
- The formulas used by Government date back to 1978 and do not reflect Harrow's current needs, particularly given the pressures from homelessness and welfare changes.

- Harrow receives less funding than the London average on account of a range of factors including its lower population density, having less residents on welfare, amongst other technical points.
- Harrow also receives less funding than the national average on account of it being in London and “Damping”, a process by which boroughs take additional reductions to buffer other boroughs, reallocates a lot of Harrow’s funding elsewhere.
- This unfair funding from Central Government is a double blow on top of the £83m of cuts imposed on Harrow Council and our residents by central Government.
- The Chancellor’s announcement at the Comprehensive Spending Review on Wednesday 25<sup>th</sup> November that over the course of this Parliament all Local Authorities Revenue Support Grant will be phased out, and instead Local Authorities will have full retention of their local business rates.
- The Council’s commitment to being an efficient and well run organisation, including it’s ambitious commercialisation programme that will create £5m of income by 2018/19, to help make up the shortfall caused by central Government cuts.

Council believes:

- The funding formulas need to be updated so that Harrow gets the money necessary to continue Building a Better Harrow, protecting frontline services and ‘Making a Difference’ to our community.
- We have not been given sufficient detail by Government about how they will administer and implement the change in Local Government finances to a new system whereby Council’s will have the full retention of local business rates, whilst the Revenue Support Grant will be phased out entirely.
- In Harrow our falling business rates, in part due to the government’s disastrous ‘Office to Residential’ scheme, means that this will amount to a further cut to local services.
- Greater fairness in the funding system, so that:
  - “Damping” is reduced, and Harrow’s resources are not pulled into an endless cycle of re-allocation to other boroughs.
- The weighting of resources and government grants is changed to reflect the changing nature of London. The future settlement needs to acknowledge the role of outer London authorities in maintaining the progress and status of the capital.



- A request that the Government provide an advantage to Harrow when making funding decisions for other grants in light of our shortfall.

Council resolves:

- To support the Harrow '£159' campaign to get Harrow its missing millions.
- For the Chief Executive to write to local MPs and Assembly Members to ask them to support the Harrow '£159' campaign and lobby central government to ensure that Harrow does not lose out when the Revenue Support Grant is phased out and replaced by full retention of local business rates.
- For the Leader of the Council to write to the Prime Minister explaining the Council's funding shortfall."

Upon a vote, the Motion was agreed.

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

- (ii) Motion in the names of Councillor Pamela Fitzpatrick and Councillor Adam Swersky. The tabled amendment was voted upon but not carried.

"Government cuts making Harrow's residents poorer – December 2015  
Full Council

This Council notes:

- In the summer budget the Chancellor announced £12 billion of cuts to the welfare budget by 2019/20. This package included a proposal to freeze all working-age benefits for the duration of the current parliament, cuts to Tax Credits and a freeze to Local Housing Allowance rates, at a time when rents are rapidly increasing.
- There is a full blown Housing crisis in London; currently in Harrow 600 families are in temporary accommodation, including B & B's, many of which are out of the Borough.
- Due to a mixture of low wages and unsustainable increases to House prices and rents there have been exponential increases of residents being forced to use the Private Rental Sector for Housing. These costs are often met by Housing Benefit, but through the Local Housing Allowance scheme limits the amount of housing benefit a person can claim well below the level of rents in Harrow. Even families in work have to rely on housing benefits to pay the rent, mainly due to the Government's repeated inability to tackle low-pay and the housing crisis – something the Chancellor's

Comprehensive Spending review failed to meaningfully deal with. In all, 57.6 per cent of London's households in receipt of LHA have a member who is in employment.

- The Chancellor has delayed plans to cut the tax credits threshold and taper from April 2016, until Universal Credit is rolled out nationally in four years time. In the Comprehensive Spending Review, it was announced that these plans will be delayed, following public outcry, lobbying by the Labour Party and backbench Tories, rejection by the House of Lords and detailed analysis showing that millions of families across the country would lose out on thousands of pounds. This u-turn is welcome and means:
  - Working tax credit threshold will remain at £6,420 (this is the income level at which tax credits start to be reduced).
  - Child tax credit threshold will remain at £16,105.
  - The taper (rate at which tax credits are reduced) will remain at 41%.
- However some changes to Tax Credits will still be implemented in April 2016, which will hit larger families or those without a steady income, such as residents on zero-hour contracts.
- There are over 15000 families in Harrow receiving Tax Credits, which help the lowest paid families in Harrow with the cost of essential items such as food, child care and heating.
- Analysis by the Institute of Fiscal Studies have shown that even after taking into account the new minimum wage and increase to tax free personal allowance these cuts to Tax Credits, including those that have been delayed will leave millions of families across the Country and in Harrow worse off by thousands of pounds.

This Council believes:

- In a Borough where 40% of residents earn below the London Living Wage, these cuts will have a disproportionate affect in Harrow, where thousands of families rely on Tax Credits to top up their wages and housing benefit to pay their rent. A situation which will only be made worse when Universal Credit is rolled out, which will include the delayed cuts to Tax Credits.
- A four year freeze to Local Housing Allowance rates will make a dire situation even worse for many of our residents who are unable to find affordable homes.
- This freeze will make it increasingly difficult for key workers such as nurses and shop assistants to live in London - all our residents will suffer if these workers are forced to move away from London.

- This Government's housing and welfare policies are hitting in work families, and are making the housing crisis even worse in Harrow.

The Council resolves:

- That the Chief Executive writes to the three local MPs in Harrow to raise our concerns directly with Government about the potential impact of the cuts to Tax Credits and freezing Local Housing Allowances to families in our Borough.
- The Council monitors the impact of cuts to Tax Credits and the roll-out of Universal Credit in Harrow via the welfare reform board.
- Formally state our objection to cuts to the future Tax Credits and freezing Local Housing Allowances that will leave our residents poorer by thousands of pounds."

Upon a vote, the Motion was agreed.

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

#### **140. EXCLUSION OF THE PRESS AND PUBLIC**

Having been put to the vote it was

**RESOLVED: That in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business for the reasons set out below:**

<u>Item</u>	<u>Title</u>	<u>Reason</u>
25.	Remuneration Packages and Severance Payments of £100,000 or greater	Information under paragraph 1 (contains information relating to any individual).

#### **141. INFORMATION REPORT - REMUNERATION PACKAGES AND SEVERANCE PAYMENTS OF £100,000 OR GREATER**

**RESOLVED: That the report be noted.**

**(CLOSE OF MEETING:** All business having been completed, the Mayor declared the meeting closed at 10.09 pm).

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# **COUNCIL 25 FEBRUARY 2016**

## **CABINET RECOMMENDATION (10 DECEMBER 2015)**

### **RECOMMENDATION I**

**Homes for Harrow: Building  
Homes for Private Sale to Cross  
Subsidise Affordable Housing  
Development**

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# CABINET

## 10 DECEMBER 2015

Record of decisions taken at the meeting held on Thursday 10 December 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 289
Susan Hall	Minute 289
Barry Macleod-Cullinane	Minute 289

\* Denotes Member present

### RECOMMENDED ITEMS

**292. Homes for Harrow: Building homes for private sale to cross subsidise affordable housing development**

Having considered the confidential appendix, it was

**Resolved to RECOMEND:** (to Council)

That a new Housing Revenue Account (HRA) Capital Budget totalling £3.5m to finance the development of homes for private sale, two of these homes being in Masefield Avenue and the remainder on other sites identified in Appendix 1 to the report, the proceeds from which would be recycled to support the development of affordable homes included within the approved Homes for Harrow HRA infill development programme, be approved.

**RESOLVED:** That

- (1) the contract to build two homes for private sale in Masefield Avenue be awarded to Company C, Indecon Building Ltd.;
- (2) the Divisional Director for Housing and the Director of Finance, following consultation with the Portfolio Holders for Housing and Finance and Major Contracts, be authorised to accept tenders and enter into contract for any matters referred to in the report.

**Reason for Decision:** To maximise under used HRA assets to generate cross subsidy to support building new affordable homes within mixed and balanced communities.

**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.



**COUNCIL**  
**25 FEBRUARY 2016**

**CABINET**  
**RECOMMENDATION**  
**(10 DECEMBER 2015)**

**RECOMMENDATION I**

**Investment Property Strategy**

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# CABINET

## 10 DECEMBER 2015

Record of decisions taken at the meeting held on Thursday 10 December 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 289
Susan Hall	Minute 289
Barry Macleod-Cullinane	Minute 289

\* Denotes Member present

### RECOMMENDED ITEMS

#### 294. Investment Property Strategy

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

That

- (1) an addition to the Capital Programme of £20m in order to proceed with the acquisition of the investment property portfolio be approved;
- (2) the treasury management Counterparty Policy be amended in respect of investment in a property portfolio from an upper limit of £10m to £20m.

**RESOLVED:** That

- (1) the Investment Property Strategy, as set out in in Appendix I to the report, be approved;
- (2) the Corporate Director of Resources and Commercial be authorised to establish the most appropriate method of holding the proposed portfolio;
- (3) the Corporate Director of Community and the Director of Finance, following consultation with the Portfolio Holders for Finance and Major Contracts and Business, Planning and Regeneration, be authorised to acquire an investment property portfolio at a total cost not exceeding £20m with no single purchase to exceed £5m;
- (4) the Corporate Director of Resources and Commercial be authorised to enter into an Inter Authority Agreement with Luton Borough Council for the provision of property investment advisory services.

**Reason for Decision:** To progress the Council's Investment Property Strategy in accordance with the requirements of the "Commercialisation Strategy 2015-2018."

**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.

**COUNCIL**  
**25 FEBRUARY 2016**

**CABINET**  
**RECOMMENDATION**  
**(10 DECEMBER 2015)**

**RECOMMENDATION I**

**Minimum Revenue Provision  
Policy Statement - Revision**

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# CABINET

## 10 DECEMBER 2015

Record of decisions taken at the meeting held on Thursday 10 December 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 289
Susan Hall	Minute 289
Barry Macleod-Cullinane	Minute 289

\* Denotes Member present

### RECOMMENDED ITEMS

**293. Minimum Revenue Provision Policy Statement - Revision**

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

That, in respect of Capital Expenditure incurred before 1 April 2008, the Minimum Revenue Provision Policy be revised to read:

*For capital expenditure incurred before 1 April 2008 or which in the future would be Supported Capital Expenditure, the Minimum Revenue Provision Policy be the equal annual reduction of 2% of the outstanding debt at 1 April 2015 for the subsequent 50 years.*

**Reason for Decision:** To make the Council's Minimum Revenue Provision Policy more prudent and to create further capacity in the General Fund.

**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.



**COUNCIL**  
**25 FEBRUARY 2016**

**NON-EXECUTIVE FEES AND CHARGES FOR**  
**2016/17**

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# REPORT FOR: **Council**

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<b>Date of Meeting:</b>	25 <sup>th</sup> February 2016
<b>Subject:</b>	Non-Executive fees and charges for 2016-17
<b>Responsible Officer:</b>	Michael Lockwood – Chief Executive
<b>Exempt:</b>	No
<b>Wards affected:</b>	All Wards
<b>Enclosures:</b>	Appendix 1 - Fees and Charges 2016-17 Appendix 2 – Street Trading Fees and Charges 2016-17

## **Section 1 – Summary and Recommendations**

This report sets out the proposed fees and charges for licences and other services noted in this report, and as set out in appendix 1, as well as the new fees and charges associated with Street Trading in appendix 2. The report also seeks approval to use fixed penalty notices for street trading offences.

### **Recommendations:**

1. Council approve the fees and charges listed in appendices 1 and 2 for the (financial) year 2016/17.
2. Council approve the use of Fixed Penalty Notices as a method of enforcement for street trading offences as listed in appendix 2.

## **Section 2 – Report**

### **2.1 Background & Current Situation**

The following matters are included under this report (not exhaustive):

- Fees for applications for Special Treatment Licensing under the London Local Authorities Act 1991
- Charges for notifications for Skip Licenses, Materials on Highway, Hoarding and scaffolding licences under the Highways Act 1980
- Fees for applications for Pet Shops, Animal Boarding/Breeding, Performing Animals and Horse Riding Establishments
- Fees for applications for Hypnotism, Sex Shops, Sexual Entertainment Venues, Poisons and Scrap Metal & Motor Salvage Operators licences.
- Street Trading Fees (and associated Fixed Penalty Notices)

The fees and charges in appendix 1 were historically considered by the Licensing & General Purposes Committee, as they relate to non-executive functions. As the Licensing & General Purposes Committee no longer has regular meetings, and only meets once annually to agree sub-committees, approval of these fees and charges rests with full Council.

#### **2.1.1 Statutory Fees**

The requirement or ability to levy a fee/charge for those items listed in Appendix 1 are provided for in statute, either being set down as a fixed amount (statutory prescribed) that the Council cannot vary/set, or by providing the authority with the power to set a fee/charge in accordance with the requirement of the legislation (eg. up to a maximum amount, or cost recovery only, or reasonable cost etc) (statutory discretionary). Fees noted in Appendix 1 as prescribed are for noting only.

The majority of Licensing Act 2003 regime fees were originally set via the Licensing Act 2003 (Fees) Regulations 2005 and are prescribed. In a number of cases these fees do not reflect the actual cost of administering the regime.

The Home Office carried out a consultation (from 13/2/14 – 10/4/14) on the potential for local authorities to set some of these prescribed fees locally, and published its results on 25th February 2015, with the outcome that the Home Office decided not to introduce locally-set fees at the time.

The Gambling Act 2005 sets out maximum fees for gambling premises licenses and fees for permits, notifications and lotteries, and were set in 2007 when the Act came into effect. The authority can set its fees in accordance with these up to the maximum permitted level.

Section 32 of the London Local Authorities Act 1990 permits the council to charge fees and charges in respect of street trading licences on a cost recovery basis. In respect of some offences relating to street trading, fixed penalty notices can be issued, and the penalty levels are agreed through London Councils.

## 2.2 Main Options

### **Approve the recommended fees and charges and the use of Fixed Penalty Notices for street trading offences**

The fees and charges set out for approval have been reviewed and, where appropriate, varied to reflect increased costs to services in administering the process. Their approval will therefore ensure recovery of costs. The use of Fixed Penalty Notices for street trading offences will provide the Council with a range of appropriate enforcement options, and provides a potentially quicker method of dealing with an offence.

### **Do not approve the recommended fees and charges and/or the use of Fixed Penalty Notices for street trading offences**

The Council needs to set its fees and charges for the forthcoming financial year and the proposed amounts stated in the Appendix are to ensure cost recovery as far as possible. Not having the option of using Fixed Penalty Notices limits the options available to the Council to deal with offences. This option is therefore not recommended.

## 2.3 Legal Implications

As noted earlier, a number of fees and charges are prescribed by statute (eg. Licensing Act 2003 (Fees) Regulations 2005), as a set amount (noted as 'statutory prescribed' in the appendix). For other fees and charges the relevant legislation may provide that a charge can be made for providing the service but the amount of the charge is discretionary, within the remit of the legislation, often limited to cost recovery only, or a reasonable amount, or within a range/maximum amount. The authority therefore sets the amount of the charge accordingly. These are noted as 'statutory discretionary' in the appendix.

Licensing Regimes are covered by the European Services Directive. The Provision of Services Regulations 2009, which implements the Directive requires that fees charged in relation to authorisations must be reasonable and proportionate to the cost of the process. It is to be noted that the recent Supreme Court case of *Hemming v Westminster City Council* has also held that licensing authorities can recover the cost of enforcement action as well as the cost of administering the regime, although a referral on two aspects has been made to the European Court of Justice.

The Local Authorities (Functions & Responsibilities) Regulations 2000 sets out what fees & charges cannot be set by the Executive as the functions to which they relate are non-Executive functions.

## **2.4 Financial Implications**

The fees and charges for approval are set, where appropriate, to recover total cost of administering the licensing functions, where appropriate, as per legislation and guidance.

## **2.5 Risk Management**

Fees/charges need to be set correctly so as to comply with the requirements of the Provision of Services Regulations 2009, based on the EU Services Directive. Failure to do this could result in the Authority levying a fee that is subsequently considered to have been set unlawfully.

Large volume licences have been calculated by taking in to account the cost of the total service in providing application processing, advice and compliance visits to check applications and conditions

On low volume applications, each process has been calculated via a time and motion process based on the steps taken to deal with such applications

## **2.6 Equalities Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

An initial Equalities Impact Assessment (screening) has been conducted and has found no adverse impacts.

Full Equality Impact Assessments were carried out for (the introduction of) Special Treatment Licensing in 2008 and for HMO licensing in 2009. These

assessments considered the fees and charges (exclusive of enforcement costs) along with benchmarking against other London Authorities. Further to representations by home operators (for special treatment licences), a reduction of up to 40% was introduced to address their concerns.

### Council Priorities

The Council's vision:

#### Working Together to Make a Difference for Harrow.

The approval of fees and charges in Appendix 1 and 2 will ensure that the services can carry out the licensing functions as set, ensuring a safe environment to those conducting, subject to or affected by a licensing regime

### Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	On behalf of the Chief Financial Officer
Date: 15 <sup>th</sup> February 2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	On behalf of the Monitoring Officer
Date: 15 <sup>th</sup> February 2015		

**Ward Councillors notified:** NO

### Section 4 - Contact Details and Background Papers

**Contact:** Richard Le-Brun, Environmental Services Manager, (Public Protection) Ext 6267

#### Background Papers: Draft Fees and Charges for Licensing Activities

If appropriate, does the report include the following considerations?

1.	Consultation	No
2.	Priorities	Yes

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	Agreed charges 2015/16		Proposed charges 2016/17		% Change	Basis for charging
	Basic	VAT	Basic	VAT		
<b>56. Liquor, Regulated Entertainment &amp; Late Night</b>						
Licensing Act 2003 (Fees) Regulations 2005						
Non Domestic Rateable Value Band						
£0 to £4,300 (Band A)	100		100		100	Statutory Prescribed
£4,301 to £33,000 (Band B)	190		190		190	Statutory Prescribed
£33,001 to £87,000 (Band C)	315		315		315	Statutory Prescribed
£87,001 to £125,000 (Band D)	450		450		450	Statutory Prescribed
£125,001 and above (Band E)	635		635		635	Statutory Prescribed
<b>57. Premises Exclusively of Primarily Used for the Supply /Sale of Alcohol for Consumption on the Premises</b>						
Licensing Act 2003 (Fees) Regulations 2005						
Band D	900		900		900	Statutory Prescribed
Band E	1905		1905		1905	Statutory Prescribed
<b>58. Annual Fee for Premise Licences / Club Certificate</b>						
Licensing Act 2003 (Fees) Regulations 2005						
Premises Licence / Club Certificate						
Band A	70		70		70	Statutory Prescribed
Band B	180		180		180	Statutory Prescribed
Band C	295		295		295	Statutory Prescribed
Band D	320		320		320	Statutory Prescribed
Band E	350		350		350	Statutory Prescribed
Premises Exclusively of Primarily Used for the Supply /Sale of Alcohol for Consumption on the Premises						
Band D	640		640		640	Statutory Prescribed
Band E	1050		1050		1050	Statutory Prescribed
<b>59. Exceptionally large Event</b>						
Licensing Act 2003 (Fees) Regulations 2005						
Number in attendance at any one time						
5,000 to 9,999	1,000		1,000		1,000	Statutory Prescribed
10,000 to 14,999	2,000		2,000		2,000	Statutory Prescribed

15,000 to 19,999	4,000	4,000	4,000	4,000	4,000	0%	Statutory Prescribed
20,000 to 29,000	8,000	8,000	8,000	8,000	8,000	0%	Statutory Prescribed
30,000 to 39,999	16,000	16,000	16,000	16,000	16,000	0%	Statutory Prescribed
40,000 to 49,999	24,000	24,000	24,000	24,000	24,000	0%	Statutory Prescribed
50,000 to 59,999	32,000	32,000	32,000	32,000	32,000	0%	Statutory Prescribed
60,000 to 69,999	40,000	40,000	40,000	40,000	40,000	0%	Statutory Prescribed
70,000 to 79,999	48,000	48,000	48,000	48,000	48,000	0%	Statutory Prescribed
80,000 to 89,999	56,000	56,000	56,000	56,000	56,000	0%	Statutory Prescribed
90,000 and over	64,000	64,000	64,000	64,000	64,000	0%	Statutory Prescribed
<b>60. Personal Licences, Temporary Events &amp; Other Fees</b>							
Licensing Act 2003 (Fees) Regulations 2005							
Application for grant or renewal of personal licence	37	37	37	37	37	0%	Statutory Prescribed
Theft, loss etc. of premise licence or summary	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Application for a provisional statement where premises being built etc.	315	315	315	315	315	0%	Statutory Prescribed
Notification of change of name or address	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Application to vary licence to specify individual as premises supervisor	23	23	23	23	23	0%	Statutory Prescribed
Application for transfer of premises licence	23	23	23	23	23	0%	Statutory Prescribed
Interim authority notice following death etc. of licence holder	23	23	23	23	23	0%	Statutory Prescribed
Theft, loss etc. of certificate or summary	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Notification of change of name or alternation of rules of club	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Change of relevant registered address of club	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Temporary Event Notice	21	21	21	21	21	0%	Statutory Prescribed
Theft, loss etc. of Temporary Event Notice	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Theft, loss etc. of personal licence	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Duty to notify change of name or address	10.5	10.5	10.5	10.5	10.5	0%	Statutory Prescribed
Notification of an interest in premises under Section 178	21	21	21	21	21	0%	Statutory Prescribed
<b>61. Betting Premises Licence</b>							
Gambling Act (Premises Licence Fees) (England & Wales) Regulations 2007							
- New	3,000	3,000	3,000	3,000	3,000	0%	Statutory Discretionary
- Annual Fee	600	600	600	600	600	0%	Statutory Discretionary
- Variation	1,500	1,500	1,500	1,500	1,500	0%	Statutory Discretionary

- Transfer	1,200	1,200	1,200	1,200	1,200	0%	1,200	0%	Stautory Discretionary
<b>62a. Bingo Premises Licence</b>									
Gambling Act (Premises Licence Fees) (England & Wales) Regulations 2007									
- New	3,500	3,500	3,500	3,500	3,500	0%	3,500	0%	Stautory Discretionary
- Annual Fee	1,000	1,000	1,000	1,000	1,000	0%	1,000	0%	Stautory Discretionary
- Variation	1,750	1,750	1,750	1,750	1,750	0%	1,750	0%	Stautory Discretionary
- Transfer	1,200	1,200	1,200	1,200	1,200	0%	1,200	0%	Stautory Discretionary
<b>62b. Gambling Act (Premises Licence Fees) (England &amp; Wales) Regulations 2007</b>									
Adult Gaming Centres									
- New	2,000	2,000	2,000	2,000	2,000	0%	2,000	0%	Stautory Discretionary
- Annual Fee	1,000	1,000	1,000	1,000	1,000	0%	1,000	0%	Stautory Discretionary
- Variation	1,000	1,000	1,000	1,000	1,000	0%	1,000	0%	Stautory Discretionary
- Transfer	1,200	1,200	1,200	1,200	1,200	0%	1,200	0%	Stautory Discretionary
<b>62c. Gambling Other Fees</b>									
Gambling Act 2005 (including statutory guidance on maximum fee)									
Small Society Lottery Registration									
- New application	40	40	40	40	40	0%	40	0%	Stautory Discretionary
- Renewal	20	20	20	20	20	0%	20	0%	Stautory Discretionary
Notification of gaming machines in alcohol licensed premises	50	50	50	50	50	0%	50	0%	Stautory Discretionary
Permit for more than two machines in alcohol licensed premises	150	150	150	150	150	0%	150	0%	Stautory Discretionary
- Annual Fee	50	50	50	50	50	0%	50	0%	Stautory Discretionary
Club Gaming Permits	200	200	200	200	200	0%	200	0%	Stautory Discretionary
- Annual Fee	50	50	50	50	50	0%	50	0%	Stautory Discretionary
Club Machine Permits	200	200	200	200	200	0%	200	0%	Stautory Discretionary
- Annual Fee	50	50	50	50	50	0%	50	0%	Stautory Discretionary
<b>67a. Occasional Licences (outside scope of VAT)</b>									
Licensing Act 2003									
1st Day Charge -estimated Capacity (persons)									

Up to 100	84	84	87	87	4%	Statutory Discretionary
101 - 200	158	158	165	165	4%	Statutory Discretionary
201 - 300	253	253	263	263	4%	Statutory Discretionary
301 - 600	510	510	530	530	4%	Statutory Discretionary
601 - 1,000	970	970	1010	1010	4%	Statutory Discretionary
1,001 - 5,000	1,450	1,450	1,510	1,510	4%	Statutory Discretionary
Additional Days Charge - estimated capacity (persons)						
Up to 100	21	21	22	22	5%	Statutory Discretionary
101 - 200	42	42	44	44	5%	Statutory Discretionary
201 - 300	45	45	47	47	4%	Statutory Discretionary
301 - 600	109	109	113	113	4%	Statutory Discretionary
601 - 1,000	218	218	227	227	4%	Statutory Discretionary
1,001 - 5,000	302	302	315	315	4%	Statutory Discretionary
Prices for larger premises on application						
For one or more occasions within a period of one month						
Open space in local authority occupation and shopping centres	110	110	114	114	4%	Statutory Discretionary
Nominal fee for community event by non-profit making organisations	45	45	47	47	4%	Statutory Discretionary
Reduced fee for registered charities, religious and voluntary organisations and similar bodies	110	110	114	114	4%	Statutory Discretionary
Nominal fee for events on premises operated by the council where entertainment is given free.	75	75	78	78	4%	Statutory Discretionary
Nominal fee for occasional variation of an annual licence						
First day	45	45	47	47	4%	Statutory Discretionary
Additional days	35	35	37	37	6%	Statutory Discretionary
Additional days in one calendar month or 1/12 of the annual fee for application in that month, whichever is the lower	35	35	37	37	6%	Statutory Discretionary
advertisement of the application. A separate fee element for veterinary inspection or other specialist inspection has been introduced for all.						
<b>68. Special Treatments</b>						
s.7(6) London Local Authorities Act 1991						
<b>Grant of a new licence</b>						
Band A : Ear piercing only	190	190	198	198	4%	Statutory Discretionary

Band B - Aromatherapy, body massage, Champissage (Indian Head massage), Fairbane therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure, Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and all treatments in Band A.	375		375	390	390	4%	Statutory Discretionary
Band B (Domestic)- Aromatherapy, body massage, Champissage (Indian Head massage), Fairbane therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure, Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and all treatments in Band A.	169		169	175	175	4%	Statutory Discretionary
Band C - Acupressure, Acupuncture, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Rolfing, Sclerotherapy, Stone therapy, Trichology, Tui – na, Ultra sonic and all treatments in Band A and B.	572		572	595	595	4%	Statutory Discretionary
Band C (Domestic) - Acupressure, Acupuncture, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Rolfing, Sclerotherapy, Stone therapy, Trichology, Tui – na, Ultra sonic and all treatments in Band A and B.	258		258	268	268	4%	Statutory Discretionary
Band D - Body piercing, beading, Bio Skin Jetting, Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds) and all treatments in Band A, B & C	760		760	790	790	4%	Statutory Discretionary

Band D (Domestic) - Body piercing, beading, Bio Skin Jetting, Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds) and all treatments in Band A, B & C	342			342	355	355	4%	Statutory Discretionary
Band E - Laser and intense pulse light treatments	650		650	675	675	675	4%	Statutory Discretionary
Band E (Domestic) - Laser and intense pulse light treatments	650		650	675	675	675	4%	Statutory Discretionary
Variation of licence	85		85	88	88	88	4%	Statutory Discretionary
<b>69. Pet Shops</b>								
s.1(2) Pet Animals Act 1951								
Initial registration	243		243	253	253	253	4%	Statutory Discretionary
Renewal	166		166	173	173	173	4%	Statutory Discretionary
& Skills Guidance								
<b>70. Sex Entertainment Venue</b>								
Local Government Miscellaneous Provisions Act 1982, Part II, Sched 3, Para 19.								
Annual Licence New Grant	8,130		8,130	8,450	8,450	8,450	4%	Statutory Discretionary
Renewal	4,635		4,635	4,800	4,800	4,800	4%	Statutory Discretionary
Variation (in combination with renewal)	1,160		1,160	1,210	1,210	1,210	4%	Statutory Discretionary
Variation (mid term)	5,310		5,310	5,500	5,500	5,500	4%	Statutory Discretionary
Transfer	1,170		1,170	1,220	1,220	1,220	4%	Statutory Discretionary
<b>71. Sex Shops</b>								
Local Government Miscellaneous Provisions Act 1982, Part II, Sched 3, Para 19.								
Initial application	6,490		6,490	2,300	2,300	2,300	-65%	Statutory Discretionary
Renewal	5,950		5,950	1,150	1,150	1,150	-81%	Statutory Discretionary
Application to transfer a sex shop licence				575	575	575	N/A	Statutory Discretionary
<b>72. Breeding Establishments for Dogs</b>								
s3A Breeding of Dogs Act 1973								
(a) Initial Registration	270		270	396	396	396	47%	Statutory Discretionary
(b) Renewal	166		166	218	218	218	31%	Statutory Discretionary
(c) Change to registration				55	55	55	N/A	Statutory Discretionary

Note: Plus fee for approved veterinary or other specialist inspection										
<b>73. Poisons (outside scope of VAT)</b>										
s6(2) Poisons act 1972										
(a) Inclusion of person on list of those entitled to sell poison	83					83	86	86	4%	Statutory Discretionary
(b) Alteration of list	31					31	33	33	6%	Statutory Discretionary
(c) Retention of name on list in any year subsequent to post entry	83					83	86	86	4%	Statutory Discretionary
d) Entry of name in respect of more than one set of premises for each additional set.	83					83	86	86	4%	Statutory Discretionary
(e) Retention of name in respect of each additional set.	83					83	86	86	4%	Statutory Discretionary
<b>74. Immigration Inspections (outside scope of VAT)</b>										
Linked to inspection under the Housing Act 2004										
** Note: The Council responding to requests, provides a letter to the British High Commission in respect of accommodation being fit for purpose.										
Inspection of property and provision of report for immigration purposes (within 10 working days).	140					140	145	145	4%	Statutory Discretionary
Inspection of property and provision of report for immigration purposes (within 3 working days).							210	210	N/A	Statutory Discretionary
<b>75. Scrap Metal and Salvage (outside scope of VAT)</b>										
Schedule 1, 6 Scrap Metal Dealers Act 2013										
** Note: The Vehicle (Crime) Act 2001 and associated Motor Salvage Operators Regulations 2002 introduced controls essentially similar to the Scrap Metal legislation. A fee is payable.										
Motor Salvage Operators Regulations 2002	243					243	253	253	4%	Statutory Discretionary
Scrap Metal dealers site licence/renewal	476					476	495	495	4%	Statutory Discretionary
Scrap Metal dealers collectors licence/renewal	265					265	275	275	4%	Statutory Discretionary
Variation of site licence	411					411	430	430	5%	Statutory Discretionary
Variation of site licence (minor variation)	82					82	85	85	4%	Statutory Discretionary
Variation of collectors licence	213					213	222	222	4%	Statutory Discretionary
Variation of collectors licence (minor variation)	82					82	85	85	4%	Statutory Discretionary

<b>76. Highways Enforcement (outside scope of VAT)</b>																						
Skip licences - Highways Act 1980 s139 and Local Authorities (Transport Charges) Regulations 1998/948 Article 3, 4 and Schedule 1																						
** Note: Skip (per month) Where a skip is identified that does not have a permit the council may issue a permit whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial fee. The fee for a 'retrospective' renewal application is twice the renewal fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the permit in advance or is a genuine emergency.																						
Skip (per month)	47		47		49		49													4%	Statutory Discretionary	
Skip Renewal (per month)	42		42		44		44													4%	Statutory Discretionary	
** Note: The deposit required from builders, developers, etc for the positioning of materials on the highway is £200. This																						
<b>77. Building Materials on the Highway (outside scope of VAT)</b>																						
Highways Act 1980																						
** Note: Where building material is identified that does not have a permit the council may issue a permit whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial fee. The fee for a 'retrospective' renewal application is twice the renewal fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the permit in advance or is a genuine emergency.																						
Deposit (subject to highway damage)	227		227		235		235														4%	Statutory Discretionary
First month	86		86		90		90														4%	Statutory Discretionary
Renewal (per month)	79		79		82		82														4%	Statutory Discretionary
<b>78. Housing of Multiple Occupation</b>																						
s63(3) and (7) Housing Act 2004																						
HMO Application	1250		1250		1250		1250														0%	Statutory Discretionary
HMO Renewal	885		885		885		885														0%	Statutory Discretionary
HMO Renewal with material change	1250		1250		1250		1250														0%	Statutory Discretionary
New Application (self contained) (per unit)	250		250		250		250														0%	Statutory Discretionary
Renewal Application (self contained)	177		177		177		177														0%	Statutory Discretionary
Renewal Application (self contained) with material change (per unit)	250		250		250		250														0%	Statutory Discretionary
(a) Selective Licensing																						
Selective Licensing Application					550		550														N/A	Statutory Discretionary



<b>79. Hypnotism events</b>																				
s2A Hypnotism Act 1952																				
Capacity (maximum permitted) number of persons up to 2000				270		280	270		280						280				4%	Statutory Discretionary
larger capacities on application																				
<b>80. Animal Boarding Establishment</b>																				
s.1(2) Animal Boarding Establishments Act 1963																				
Initial registration		210		210		218	210		218						218				4%	Statutory Discretionary
Renewal		130		130		135	130		135						135				4%	Statutory Discretionary
& Skills Guidance																				
<b>81. Dangerous wild animals</b>																				
s.1(2)(e) Dangerous Wild Animals Act 1976																				
Initial registration		270		270		280	270		280						280				4%	Statutory Discretionary
Renewal		218		218		226	218		226						226				4%	Statutory Discretionary
& Skills Guidance																				
<b>82. Performing Animals</b>																				
s.1(2) Performing Animals (Regulation) Act 1925																				
Application to register for the exhibition or training of performing animals - profit making organisation									396						396				N/A	Statutory Discretionary
Application to register for the exhibition or training of performing animals - non-profit organisation (e.g. school)									55						55				N/A	Statutory Discretionary
Application to change registration									55						55				N/A	Statutory Discretionary
Certificate				22		23	22		23						23				5%	Statutory Discretionary
& Skills Guidance																				
<b>83. Riding Establishments</b>																				
s.1(2) Riding Establishments Act 1964																				
Application		83		83		365	83		365						365				340%	Statutory Discretionary
Renewal						218			218						218				N/A	Statutory Discretionary
Application to change licence						55			55						55				N/A	Statutory Discretionary
& Skills Guidance																				

<b>84. Scaffolding Licence</b>													
s.169 Highways Act 1980 and Local Authorities (Transport Charges) Regulations 1998/948 Reg 3, 4 and Schedule 1													
<p>*** Note: Where scaffolding is identified that does not have a licence the council may issue a licence whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial first month fee. The fee for a 'retrospective' extension to the application is twice the subsequent month fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the licence in advance or there was a genuine emergency.</p>													
<b>Residential</b>													
Up to 10 metres (first month)	140			140				145				145	4% Statutory Discretionary
10-15 metres (first month)	160			160				167				167	4% Statutory Discretionary
More than 15 metres (first month)	200			200				208				208	4% Statutory Discretionary
Up to 10 metres (subsequent months)	112			112				117				117	4% Statutory Discretionary
10-15 metres (subsequent months)	128			128				133				133	4% Statutory Discretionary
More than 15 metres (subsequent months)	160			160				167				167	4% Statutory Discretionary
<b>Commercial</b>													
Up to 15 metres (first month)	160			160				167				167	4% Statutory Discretionary
More than 15 metres (first month)	200			200				208				208	4% Statutory Discretionary
Up to 15 metres (subsequent months)	128			128				133				133	4% Statutory Discretionary
More than 15 metres (subsequent months)	160			160				167				167	4% Statutory Discretionary
Refundable deposit based on the area covered / enclosed by the structure - per sq.m:	15			15				16				16	4% Statutory Discretionary
Application to extend a licence								55				55	N/A Statutory Discretionary
Additional charges per hour eg for attending site meeting								81				81	N/A Statutory Discretionary
<b>85. Hoarding Licence</b>													
s.172-3 Highways Act 1980 and Local Authorities (Transport Charges) Regulations 1998/948 Reg 3, 4 and Schedule 1													
<p>*** Note: Where hoarding is identified that does not have a licence the council may issue a licence whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial first month fee. The fee for a 'retrospective' extension to the application is twice the subsequent month fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the licence in advance or there was a genuine emergency.</p>													
<b>Residential</b>													
Up to 10 metres (first month)	140			140				145				145	4% Statutory Discretionary

10-15 metres (first month)	160	160	167	167	167	4%	Statutory Discretionary
More than 15 metres (first month)	200	200	208	208	208	4%	Statutory Discretionary
Up to 10 metres (subsequent months)	112	112	117	117	117	4%	Statutory Discretionary
10-15 metres (subsequent months)	128	128	133	133	133	4%	Statutory Discretionary
More than 15 metres (subsequent months)	160	160	166	166	166	4%	Statutory Discretionary
<b>Commercial</b>							
Up to 15 metres (first month)	160	160	167	167	167	4%	Statutory Discretionary
More than 15 metres (first month)	200	200	208	208	208	4%	Statutory Discretionary
Up to 15 metres (subsequent months)	128	128	133	133	133	4%	Statutory Discretionary
More than 15 metres (subsequent months)	160	160	167	167	167	4%	Statutory Discretionary
Refundable deposit based on the area covered / enclosed by the structure - per sq.m:	15	15	16	16	16	4%	Statutory Discretionary
Application to extend a licence			55	55	55	N/A	Statutory Discretionary
Additional charges per hour eg for attending site meeting			81	81	81	N/A	Statutory Discretionary
<b>86. Crane (Lifting Equipment) Licence</b>							
s.169/s.179 Highways Act 1980 and Local Authorities (Transport Charges) Regulations 1998/948 Reg 3, 4 and Schedule 1							
** Note: Where a crane is identified that does not have a licence the council may issue a licence whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the administration fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the licence in advance or there was a genuine emergency.							
Licence Administration Fee	200	200	208	208	208	4%	Statutory Discretionary
Deposit	500	500	520	520	520	4%	Statutory Discretionary
<b>87. Advertising Board Licence</b>							
Permission for a A1 (637 (width) x 1100 (height) x 800 (depth) mm) size advertising board on the public highway. No other sizes permitted							
Permit per year			50	50	50	N/A	Statutory Discretionary
Penalty for non compliance under Highways Act 1980 and Planning legislation to recover all costs associated with the removal			cost recovery	cost recovery	cost recovery	N/A	Statutory Discretionary

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## Appendix 2 - Proposed Fees and Charges – Street Trading

Licence Administration Fee £42  
(Applicable to all Licensing Types)

### Standalone Street Trading Unit Licence (e.g. Stall)

Up to 7 days £18 per trader  
 Up to 2 months £180 per trader  
 2 to 6 months £400 per trader  
 7 to 12 months £550 per trader

### For markets of 10 or more stalls, additional costs apply as follows:

Market which requires the closure of a non-classified road £2,000 (6 weeks notice required)  
 Market on the footway only £1,250

### Front of Shop Displays (connected with business) (based on a standard single shop front)

12 weeks Licence £312  
 1 Year Licence £1150 (15% discount)

### Please note the following table of FPNs is for information only, as the fine levels are approved through London Councils

#### Fixed Penalties under The London Local Authorities Act 1990, as amended by The London Local Authorities Act 2004

LLA Act 1990 (as amended) Section	Description of Offence	Amount of Fixed Penalty
34(1)	Contravention of condition of street trading licence or temporary licence	£100
34(2)	Making false statement in connection with application for street trading licence or temporary licence	£125
34(3)	Resisting or obstructing authorised officer	£250
34(4)	Failure to produce street trading licence on demand	£100
38(1)	Unlicensed street trading	£150

Please note that the fees and charges are subject to the terms and conditions of the licence.

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**COUNCIL**  
**25 FEBRUARY 2016**

**PROPOSED PROTOCOL ON OFFICER  
DECISION-MAKING**

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# REPORT FOR: **COUNCIL**

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<b>Date of Meeting:</b>	25 February 2016
<b>Subject:</b>	Proposed protocol on officer decision-making
<b>Responsible Officer:</b>	Hugh Peart Monitoring Officer
<b>Exempt:</b>	No
<b>Wards affected:</b>	None
<b>Enclosures:</b>	Appendix A – Proposed protocol on officer decision-making

## **Section 1 – Summary and Recommendations**

This report sets out details of a proposed protocol on officer decision-making.

### **Recommendations:**

Council is requested to agree the insertion of the protocol on officer decision-making set out at Appendix 1 in Part 5 of the Constitution.

## **Section 2 – Report**

1. The Constitutional Review Working Group has considered the change to the Constitution as set out below and the attached appendix.
2. Local authorities are required under the Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 to publish records of certain decisions made by officers. Decisions which are covered by this requirement are:
  - a. Those made under an express delegation by Council, a committee or sub-committee or Cabinet; and
  - b. Permissions or licenses and decisions that affect the rights of individuals.

3. It is proposed to add a protocol to the constitution to set out what decisions need to be recorded and what details need to be included in the record. In respect of b. above, Legal Services has come to a view as to the decisions that are covered by this requirement and this is set out in the proposed protocol which is attached at Appendix 1. A template has also been developed and arrangements are being made for this to be uploaded onto the Hub and for completed templates to be uploaded to the external website. Publication on the Council's website is required under the Regulations.
4. It is proposed that the protocol be added as P in Part 5 of the Constitution.

### Legal comments

5. The legal requirements in relation to these proposals are set out in the body of this report and explained further in the protocol itself.

### Financial Implications

6. There are no financial implications arising from this report.

### 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.

There are no equalities implications arising from this report.

### Council Priorities

An up to date and effective constitution is important in facilitating proper decision-making in the Council.

## Section 3 - Statutory Officer Clearance

Name: Dawn Calvert	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 15.02.16		
Name: Caroline Eccles	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 15.02.16		

**Ward Councillors notified:**

**NO**

## **Section 4 - Contact Details and Background Papers**

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

**Background Papers:** None

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Priorities	YES

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## **P. PROTOCOL ON THE RECORDING OF DECISIONS MADE BY OFFICERS**

### **Introduction**

1. The Council is required by law to record certain decisions made by officers. This protocol sets out which decisions should be recorded and requirements regarding publication. A suggested template for the recording of decisions is at Appendix 1. Directorates may already have, or wish to develop, their own forms based on this protocol. Legal Services can advise on the recording of decisions and/or what sort of decisions should be recorded.

### **Decisions which must be recorded**

#### **Decisions made under a specific express delegation**

2. These decisions are ones where a particular decision has been delegated to an officer by Council, a committee, sub-committee or Cabinet.

#### **Decisions made under a general authorisation**

3. These are decisions made under the scheme of delegations in the constitution or in departmental schemes of delegations. The legislation requires that permissions or licences and decisions that affect the rights of individuals should be recorded. Examples of permissions or licences that should be recorded are set out at a – d below. Directorates may be aware of other permissions or licences that should be recorded. Legal Services takes the view that the category of decisions which ‘affect the rights of individuals’ covers only a narrow set of decisions as set out at e – g below:
  - a. Highways:
    - i. Permits to undertake works on the highway
    - ii. Temporary Traffic Orders
    - iii. Permission for temporary suspension of Controlled Parking Spaces
    - iv. Street works licenses
  - b. Consents issued under the Land Drainage Byelaws
  - c. Building Regulations approvals
  - d. Licenses granted in relation to:
    - i. Alcohol and entertainment
    - ii. Gambling
    - iii. Houses in Multiple Occupation
    - iv. Special Treatment Licensing
    - v. Skip, Scaffolding and Cranes
  - e. Deprivation of liberty under Schedule A1 of the Mental Capacity Act 2005
  - f. ‘Best interests’ decisions made under section 4 of the Mental Capacity Act 2005 which significantly affect the welfare of the individual about whom the decision is made for example:
    - i. Where they live;
    - ii. The type of care provided; and

- iii. Who they do or do not have contact with.
- g. Decisions made under the Mental Health Act 1983 in relation to detention in hospital for assessment and/or treatment, guardianship and community treatment orders.

### **How to record decisions**

4. The Regulations require that the decision-making officer must produce a written record of the decision as soon as reasonably practicable after making the decision and should contain the following information:
  - a. The date the decision was taken;
  - b. A record of the decision taken along with reasons for the decision;
  - c. Details of alternative options, if any, considered and rejected; and
  - d. A record of any conflict of interest as follows:
    - i. In the case of an executive decision, any declaration of a conflict of interest on the part of a member who was consulted by the officer making the decision. Any dispensation granted should also be recorded; or
    - ii. In the case of a non-executive decision made under a specific express authorisation, any declaration of a conflict of interest on the part of a member who has declared a conflict of interest in relation to the decision.
5. A template is attached at Appendix 1. However, if a format is already in place then it can be adapted, if necessary, to comply with the requirements set out in paragraph 4 above. Each directorate should use their own system of reference numbering.

### **Record-keeping**

6. Each record must be kept for six years. Any background papers must be kept for four years. These are statutory requirements.
7. Background papers are documents which:
  - a. relate to the subject matter of the decision, or part of the decision;
  - b. disclose relevant facts or matters on which the decision or an important part of the decision is based; and
  - c. Were relied on to a material extent in making the decision.
8. The record of the decision and the background papers are open to public inspection and must be published on the Council's website except where any of the following are involved:
  - a. Confidential information (provided by a government department on terms which forbid the disclosure of the information to the public or where disclosure is prohibited by an enactment or court order);
  - b. Exempt information (as defined under Schedule 12A of the Local Government Act 1972); and/or
  - c. In the case of executive decisions, the advice of a political assistant or adviser.

**Appendix 1**

**OFFICER DECISION RECORD FORM**

**Directorate and reference number**

**Subject matter/title**

**Decision taken**

**Date of decision**

**Date of relevant Council/Cabinet meeting (where the decision is taken following an express authorisation)**

**Terms of any express authorisation**

**Reasons for the decision**

**Alternative options considered/rejected by the officer**

**Conflicts of interest**

(Record here any conflict of interest declared by a member in relation to an express authorisation or who was consulted by the officer in relation to a decision and, if relevant, a note of a dispensation granted)

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**COUNCIL**  
**25 FEBRUARY 2016**

**DECISION TAKEN UNDER THE URGENCY  
PROCEDURE BY CABINET**

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**REPORT FOR: COUNCIL**

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**Date of Meeting:** 25 February 2016

**Subject:** **Decision taken under Urgency Procedure by Cabinet**

**Responsible Officer:** Hugh Peart – Monitoring Officer

**Exempt:** No

**Enclosures:** Appendix A – Decision taken as a matter of urgency

**Section 1 – Summary**

This report sets out details of a decision taken under urgency procedure rules by Cabinet since the meeting of the Council on 3 December 2015.

**FOR INFORMATION**

## **Section 2 – Report**

In accordance with Committee Procedure Rule 46.6 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 decisions taken as a matter of urgency since the Council meeting held on 3 December 2015.

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 since the last Council meeting on 3 December 2015.

## **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.

<b>Ward Councillors notified:</b>	<b>YES</b>
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## **Section 5 - Contact Details and Background Papers**

### **Contact:**

Elaine McEachron, 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

**Urgent Decisions**

The following urgent decisions have been made since Council on 3 December 2015:

<b>Subject</b>	<b>Decision Maker (Portfolio Holder/Leader/Cabinet)</b>	<b>Reason for Urgency</b>
<p>Calculation of Council Tax Base for 2016-2017</p>	<p>Cabinet – 20 January 2016</p>	<p>The Authority had to formally calculate the Council Tax Base for 2016-2017 and pass this information to precepting authorities by 31 January 2016. The tax base has to be set between 1 December 2015 and 31 January 2016.</p> <p>The Tax Base could not be submitted to Cabinet any earlier as its contents were dependent on announcements in the Comprehensive Spending Plan (CSP) and also in the grant settlement. As it was necessary to declare the Council Tax base by the end of January, the Call-in process could seriously prejudice the Council's or the public interest as the Call-in period finished at 5.00 pm on 28 January and the Greater London Authority (GLA) would therefore need to be formally notified of the formal Council Tax Base calculation no later than 5.00 pm on 29 January 2016.</p>

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