

Council

SUMMONS AND AGENDA

DATE: Thursday 18 July 2019

TIME: 7.30 pm

VENUE: Council Chamber, Harrow Civic Centre,
Station Road, Harrow, HA1 2XY

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

A handwritten signature in black ink, appearing to read "HP", located below the summons text.

Hugh Peart
Director of Legal and Governance Services

Despatch Date: [Wednesday 10 July 2019]

Useful Information

Meeting details:

This meeting is open to the press and public.

Directions to the Civic Centre can be found at:
<http://www.harrow.gov.uk/site/scripts/location.php>.

Filming / recording of meetings

The Council will audio record Public and Councillor Questions. The audio recording will be placed on the Council's website.

Please note that proceedings at this meeting may be photographed, recorded or filmed. If you choose to attend, you will be deemed to have consented to being photographed, recorded and/or filmed.

When present in the meeting room, silent mode should be enabled for all mobile devices.

Meeting access / special requirements.

The Civic Centre is accessible to people with special needs. There are accessible toilets and lifts to meeting rooms. If you have special requirements, please contact the officer listed on the front page of this agenda.

An induction loop system for people with hearing difficulties is available. Please ask at the Security Desk on the Middlesex Floor.

Summons publication date: Wednesday 10 July 2019

PRAYERS

His Holiness Shri Rajrajeshwar Guruji, Founder and Spiritual Leader of the International Siddhashram Shakti Centre, will open the meeting with Prayers.

1. COUNCIL MINUTES (Pages 13 - 18)

That the minutes of the Annual meeting held on 16 May 2019 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

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.

5. 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.

6. 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.

7. STATEMENT BY THE CHAIR OF THE GOVERNANCE, AUDIT, RISK MANAGEMENT AND STANDARDS COMMITTEE

8. COMMUNITY SAFETY PLAN (To Follow)

Recommendation I : Cabinet
(11 July 2019)

9. YOUTH JUSTICE PLAN (To Follow)

Recommendation I : Cabinet
(11 July 2019)

10. 2 YEAR BUDGET STRATEGY 2020/21 TO 2021/22 (To Follow)

Recommendation I : Cabinet
(11 July 2019)

11. APPOINTMENT OF CO-OPTEE TO THE PENSION FUND COMMITTEE (Pages 19 - 22)

Recommendation I : Pension Fund Committee
(26 June 2019)

12. CONSTITUTION UPDATE (Pages 23 - 50)

Report of the Director of Legal and Governance Services

13. INFORMATION REPORT - DECISIONS TAKEN UNDER THE URGENT ACTION PROCEDURE - COUNCIL (Pages 51 - 54)

14. INFORMATION REPORT - DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - EXECUTIVE (Pages 55 - 58)

15. 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.

16. MOTIONS

The following Motions have been notified in accordance with the requirements of Council Procedure Rule 15, to be moved and seconded by the Members indicated:

(1) **Harrow Council recognises working definition of Islamophobia Motion**

To be moved by Councillor Peymana Assad and seconded by Councillor Kiran Ramchandani:

“While the drive to tackle hate and discrimination in all its forms continues, there has been a disappointing normalisation in the media and in politics of some forms of hate in recent times, Islamophobia being one of them. As a diverse and vibrant borough where Muslims make up over 12% of the population, it is important that the Council signals its seriousness in tackling all forms of hate and discrimination against residents, and members of wider society. Following an extensive consultation, the All Party Parliamentary Group (APPG) for British Muslims has formulated a working definition of Islamophobia as:

- *Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness*

Contemporary examples of Islamophobia in public life, the media, schools, the workplace, and in encounters between religions and non-religions in the public sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, instigating or justifying the killing or harming of Muslims in the name of a racist fascist ideology, or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims as such, or of Muslims as a collective group, such as, especially but not exclusively, conspiracies about Muslim entryism in politics, government or other societal institutions; the myth of Muslim identity having a unique propensity for terrorism, and claims of a demographic ‘threat’ posed by Muslims or of a ‘Muslim takeover’.
- Accusing Muslims as a group of being responsible for real or imagined wrongdoing committed by a single Muslim person or group of Muslim individuals, or even for acts committed by non-Muslims.
- Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.
- Accusing Muslim citizens of being more loyal to the ‘Ummah’ (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.
- Denying Muslim populations the right to self-determination.
- Applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, e.g. loyalty tests.
- Using the symbols and images associated with classic

Islamophobia (e.g. Muhammed being a paedophile, claims of Muslims spreading Islam by the sword or subjugating minority groups under their rule) to characterize Muslims as being ‘sex groomers’, inherently violent or incapable of living harmoniously in plural societies.

- Holding Muslims collectively responsible for the actions of any Muslim majority state, whether secular or constitutionally Islamic.

This list is not exhaustive but forms guidelines to recognise markers of Islamophobia in today’s context.

Harrow Council resolves:

1. To formally adopt the working definition of Islamophobia as formulated by the APPG for British Muslims.
2. That the Council Leader and the Chief Executive write to Rt Hon James Brokenshire MP, the Secretary of State for Housing, Communities and Local Government, to request that HM government also supports the adoption of this definition of Islamophobia.”

(2) Declaring a Climate Emergency Motion

To be moved by Councillor Sue Anderson and seconded by Councillor Kareema Marikar:

“Council notes that:

- Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1°C from pre-industrial levels. Atmospheric CO2 levels are above 400 parts per million (ppm), exceeding the 350 ppm deemed to be a safe level for humanity;
- In Harrow, the high level of vehicle usage is a major contributor to poorer air quality and a detrimental effect on our residents’ health;
- The 2018 IPCC report states that we have just 12 years to act on climate change if global temperature rises are to be kept within the recommended 1.5°C;
- All governments (national, regional and local) have a duty to limit the negative impacts of climate breakdown, and local governments that recognise this should not wait for their national governments to change their policies. UK local authorities need to commit to aggressive reduction targets and carbon neutrality as quickly as possible;
- Urban areas like Harrow are well placed to lead the world in reducing carbon emissions, as their higher density opens up a range of sustainable transport, buildings and energy opportunities;

- We need to continue to improve air quality, protect against flooding, and ensure our buildings, transport, waste and energy policies are environmentally sustainable.
- Harrow Council has already taken significant steps to reduce carbon emissions in the borough. For example, the council is currently installing electric vehicle charging points at key sites; has recently purchased a new fleet, the majority of which are zero emission electric vehicles; has rolled out food waste recycling to all flats in the borough; advanced a programme of LED street lighting; supported schools to become more energy efficient.

In light of the above, the Council resolves to:

1. Join other councils in declaring a Climate Emergency;
2. Call on the UK Government to provide the necessary powers and resources to make local action on climate change easier;
3. Aim to make London borough of Harrow carbon neutral by 2030, taking into account both production and consumption of emissions;
4. Create a working group of officers and members to urgently review and make recommendations to Council for actions that the local authority can take in order to achieve this target;
5. Continue to work with across London and through the LGA to deliver widespread carbon reductions.”

(3) Proper funding for public services Motion

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

“Austerity has caused huge damage to communities up and down the UK, with devastating effects on key public services that protect the most defenceless in society – children at risk, disabled adults and vulnerable older people – and the services we all rely on, like clean streets, libraries, and community centres.

The idea that austerity was necessary has been disproved and its architects discredited, not least due to the soaring inequality and divisions they have let fester in the last decade. David Cameron said “we’re all in this together” but spent his time in office forcing cuts on the many while giving handouts to the privileged few. His predecessor Theresa May had to declare that “austerity is over”, despite planning a further £1.3bn of cuts to council budgets over the following year. Chancellor Philip Hammond’s callous remarks: “I reject that there are vast numbers of people facing dire poverty in this country,” show just how blind the

Conservatives are to the havoc they have wreaked upon the country. The race to succeed Theresa May has shown just what a con austerity was, with candidates making fast and loose promises of tax breaks for the richest members of our society, while saying nothing about the impact of cuts to the welfare state and education.

In Harrow, the impact of austerity has been shocking. Already one of the lowest funded councils in London, this government's reckless policies continue to put an unacceptable strain on our finances and cause damage to our residents.

This council notes:

- Over 30% of children in Harrow live in poverty and the inequalities within the borough are staggering, with child poverty rising to 40% in some wards.
- Last year, the Harrow food bank fed over 2617 people, including over 1041 children. Additionally, we have witnessed an increasing number of charities and voluntary groups and places of worship are providing free meals on a more regular basis.
- Since 2010, inequalities in life expectancy have increased in Harrow – men now live seven years longer and women five years longer in the richest parts of the borough compared to the poorest.
- The government has cut the budget of the Metropolitan police drastically, forcing a reduction in officer numbers with fewer 3,000 police officers and 3,000 fewer community support officers now operating in the capital compared to 2010.
- This has led to an explosion in violent crime – last year there were 135 violent murders in the capital, the highest number for 10 years.
- Harrow has also seen an increase in violent crime with knife crime becoming a more frequent occurrence.
- In order to put 1,000 officers back on the streets, the Mayor of London has increased council tax – shifting the burden for policing the capital away from general taxation and onto hard-pressed Londoners.
- The Young Harrow Foundation's Needs Analysis found that 20% of Harrow's young people need mental health support while 17% need help with suicidal thoughts or know someone who needs this help.
- Funding for youth services has been cut by a national average of 34% between 2010/11 – 2017/18, with London suffering the worst cuts in the country.
- This year, a report from the All-Party Parliamentary Group on Knife Crime has found a link between these cuts and the rise in youth violence which we have also witnessed in Harrow.
- The NHS continues to struggle under the financial pressures – in January 2017 the Red Cross warned of a

'humanitarian crisis' in the health service and currently patients are experiencing record waiting times for non-urgent care.

- School funding has fallen by 6.5% per pupil to the year 2019-20.
- Harrow council's government grant has been cut by 97% (£50 million) over the last six years.
- The council is facing further funding gap of £26 million in the next two years.
- On top of these cuts, the council has increased its adult social care spend by 55%, leaving less and less money available for other vital services that our residents rely on.
- Inevitably, it is our residents who suffer these strains, whether it be through reduced services or increased council tax.

This council resolves:

- To call on the incoming leader of the Conservative Party and de facto new prime minister to take responsibility for the terrible human cost of their party's austerity programme and make the necessary investment to properly fund public services."

(4) Motion on high stakes testing in Primary Schools Motion

To be moved by Councillor Pamela Fitzpatrick and seconded by Councillor Maxine Henson:

"Harrow Council welcomes the Labour Party commitment to abolish SATs and other high-stakes testing in primary schools.

It notes that:

- 1) Statutory testing in primary schools has increased since 2010 and is increasing further: by 2020, children will be tested in Reception (the Baseline Assessment), Year 1 (the Phonics Screening Check), Year 2 (SATs), Year 4 (the Multiplication Tables Check) and Year 6 (SATs).
- 2) The pressures of statutory assessment contribute to the crisis of teacher morale, workload, recruitment and retention.
- 3) Tests are focussed on the requirements of school accountability rather than on support for children's learning.
- 4) The pressures of testing in primary schools have a detrimental effect on children's mental health.
- 5) Educational research has demonstrated repeatedly that teaching to the test narrows the curriculum and the educational experience of children, focussing on labelling

not learning.

- 6) The National Education Union has agreed to carry out an indicative ballot of its members to ask for their views about the campaign to abolish high-stakes primary testing and whether they would be prepared to boycott statutory high-stakes tests in primary schools.

This Council believes that the groundswell of support from those who work in primary schools, parents and academics, supported by the More Than A Score campaign, clearly shows that there is major concern across the education sector with the increased testing of primary school pupils.

Harrow Council resolves:

- 1) To express its support for campaigns against the current system of primary assessment, including those organised by teacher unions and More Than A Score.
- 2) To facilitate a meeting of parents, school governors and trade unions to discuss the council's position on these matters and to coordinate a response.
- 3) To lobby the Secretary of State for Education to listen to the growing number of voices who are calling for the abolition of high-stakes testing in primary schools."

(5) No Confidence in Councillor Keith Ferry Motion

To be moved by Councillor Paul Osborn and seconded by Councillor Marilyn Ashton:

"This Council Notes

- Councillor Keith Ferry has been Deputy Leader of the Council and Portfolio Holder responsible for Regeneration since 2014.
- The Red Assurance Report from Internal Audit on the Regeneration Programme on 04/01/19
- The Report by External Consultants on the Harrow Regeneration Programme issued in November 2018
- That the External Consultants found
 - "The overall regeneration objectives set were not sufficiently clear and were not weighted or prioritised. This has resulted in a lack of clarity of the objectives for each project."
 - "a robust overall business plan for the regeneration

- programme was not in place. In addition summary business cases were not in place for each project and therefore the schemes were not being progressed against a clearly defined set of approved objectives or guidelines.”
 - “The lack of up to date and robust financial models for each project has resulted in decisions on design, procurement and phasing of development to be taken without knowledge of the financial implications. This has resulted in projects not adequately reflecting the regeneration objectives in particular the delivery of sufficient funding to cover the cost of the HNC and Byron Leisure element.”
- A number of the projects had they continued would have lost millions of pounds for the Council.
 - “The Council has not had or applied an appropriate governance regime for a programme of this size, complexity and risk.”
- That the Internal Audit Report found
 - Whilst the Draft Strategy was agreed by Cabinet for public consultation, the Final Regeneration Strategy was never approved either by Cabinet or an Officer under delegated authority.
 - The Council’s mandatory project management framework was not used.
 - There was no evidence the overall programme was approved by Cabinet or CSB other than as part of the Capital Programme.
 - “The level and extent of financial reporting against individual business cases/projects and the programme overall prior to 2017/18 was as inadequate as it was infrequent, not based on SAP data or reconciled to SAP, did not cover capital and revenue expenditure, did not cover expected return and was not linked to project progress.”
- The decision “Harrow Strategic Development Partnership” taken by Cabinet on 30th May 2019 was called-in and was unanimously referred back to Cabinet by the cross-party Call-in sub-committee due to “the absence of adequate evidence on which to base a decision.”
- Cllr Ferry’s comments that he had a “closed mind” on this subject and the location of the new Civic Centre and had so since 2015 at the Cabinet Meeting that was to

reconsider the “Harrow Strategic Development Partnership” decision.

- The Council has failed in its objective to move into a new Civic Centre by 2019 as set out in the “Harrow Ambition Plan 2020” approved by Council in 2016.
- The efforts of the Opposition Party to engage constructively in this programme.

This Council Believes

- That Councillor Ferry is ultimately responsible for the many failings of the Council’s Regeneration Programme.
- That the Council’s Regeneration Programme has cost millions of pounds and has failed to deliver on any significant Council project.

The Council Resolves

- That it has no confidence in Councillor Keith Ferry as Deputy Leader or Portfolio Holder responsible for Regeneration.”

[Note: In accordance with Council Procedure Rule 15.6.1, this Motion refers to matters within the powers of the Executive. The Leader of the Opposition has indicated that he wishes to exercise his right under this rule that this Motion not stand automatically referred to the next meeting of the Executive but be dealt with as if rule 15.7.1 applies. In debating the Motion, the Council can make no decision on the matter but may make a recommendation or pass comments to the Executive].

*** Data Protection Act Notice**

The Council will audio record items 5 and 14 (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 18 JULY 2019

MINUTES

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COUNCIL (ANNUAL)

MINUTES

16 MAY 2019

Present:

- * Councillor Kairul Kareema Marikar (The Worshipful the Mayor)
- * Councillor Nitin Parekh (The Deputy Mayor)

Councillors:

* Ghazanfar Ali	* Ajay Maru
* Richard Almond	* Jerry Miles
* Dan Anderson	* Vina Mithani
* Jeff Anderson	* Amir Moshenson
* Sue Anderson	* Chris Mote
* Marilyn Ashton	* Janet Mote
* Peymana Assad	* Angella Murphy-Strachan
* Camilla Bath	* Phillip O'Dell
* Christopher Baxter	* Paul Osborn
* Philip Benjamin	* Mina Parmar
* Michael Borio	* Varsha Parmar
* Simon Brown	* Anjana Patel
* Sarah Butterworth	* Primesh Patel
* Kam Chana	* Pritesh Patel
* Ramji Chauhan	* David Perry
* Niraj Dattani	* Natasha Proctor
* Keith Ferry	* Kanti Rabadia
* Pamela Fitzpatrick	* Kiran Ramchandani
* Dean Gilligan	* Christine Robson
* Stephen Greek	* Lynda Seymour
* Chetna Halai	* Mrs Rekha Shah
* Susan Hall	* Sachin Shah
* Graham Henson	* Chloe Smith
* Maxine Henson	* Norman Stevenson
* John Hinkley	* Krishna Suresh
* Nitesh Hirani	* Sasi Suresh
* Honey Jamie	* Adam Swersky
* Ameet Jogia	* Bharat Thakker
* Jean Lammiman	* Antonio Weiss
* James Lee	* Stephen Wright
* Dr Lesline Lewinson	

* Denotes Member present

† Denotes apologies received

PRAYERS

The meeting opened with Prayers offered by Imam Sheikh Salman Sidiq,
Sri Lankan Muslim Cultural Centre.

75. ELECTION OF MAYOR

RESOLVED (Unanimously): That Councillor Nitin Parekh be elected Mayor of the London Borough of Harrow for the Municipal Year 2019/20.

76. ELECTION OF DEPUTY MAYOR

RESOLVED (Unanimously): That Councillor Ghazanfar Ali be elected Deputy Mayor of the London Borough of Harrow for the Municipal Year 2019/20.

77. APPOINTMENT OF CHAPLAIN

The Mayor confirmed to Council that he had appointed His Holiness Shri Rajrajeshwar Guruji, Founder and Spiritual Leader of the International Siddhashram Shakti Centre as his Chaplain for his Mayoral Year.

78. CIVIC FUNCTIONS

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

79. DECLARATIONS OF INTEREST

There were no declarations of interests made by Members.

80. PROCEDURAL MOTIONS

There were no procedural motions.

81. COUNCIL MINUTES

RESOLVED: That the minutes of the meeting held on 28 February 2019 be taken as read and signed as a correct record.

82. RECOGNITION OF LONG SERVICE

RESOLVED: That Long Service Awards marking Councillors Jean Lammiman, Chris Mote and Phillip O'Dell 25 years' service as Members for Harrow Council in May 2019 be approved.

83. CABINET AND COMMITTEE MEMBERSHIPS

RESOLVED: That

- (I) it be noted that Councillor Keith Ferry was the Deputy Leader of the Council;**

- (ii) the Councillors appointed to Cabinet with the identified portfolios, as contained within the report be noted;
- (iii) the terms of reference for Cabinet and the Portfolio Holders attached at Appendix A to the report be agreed;
- (iv) the determination of the allocation of places on the Council's Committees contained in the report in accordance with the 'political balance' rules in the Local Government and Housing Act 1989 be agreed and Members be appointed to them, in accordance with the notification from Political Groups;
- (v) subject to noting that Councillor Keith Ferry would be a main member of the Pension Fund Committee and Councillor Kareema Marikar would be first reserve, the establishment and terms of reference of the Committees and other bodies as set out in the report and Appendix B be agreed.

84. 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 David Perry
Health and Wellbeing Board	Councillor Graham Henson
Licensing and General Purposes	Councillor Natasha Proctor
Overview and Scrutiny	Councillor Sachin Shah
Planning	Councillor Keith Ferry
Pension Fund	Councillor Keith Ferry

85. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

RESOLVED: That the Outside Body appointments for the Municipal Year 2019/20, as set out on the supplemental summons, be approved.

86. INFORMATION REPORT - DECISIONS TAKEN UNDER THE URGENCY PROCEDURE

RESOLVED: That the report be noted.

87. INFORMATION REPORT - REMUNERATION PACKAGES OF £100,000 OR GREATER

RESOLVED: That the report be noted.

88. SCRUTINY ANNUAL REPORT 2018-19

RESOLVED: That the Scrutiny Annual report be noted.

89. DATES OF COUNCIL MEETINGS 2019/20

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

18 July 2019

28 November 2019

27 February 2020

14 May 2020 (Annual)

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 7.50 pm).

COUNCIL
18 JULY 2019

PENSION FUND COMMITTEE
RECOMMENDATION
(26 JUNE 2019)

RECOMMENDATION I

**APPOINTMENT OF CO-OPTEE TO THE
PENSION FUND COMMITTEE**

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PENSION FUND COMMITTEE

MINUTES

26 JUNE 2019

Chair:	* Councillor Keith Ferry	
Councillors:	Dean Gilligan	* Bharat Thakker
	* Norman Stevenson	
Co-optee (Non-voting):	* Howard Bluston	
Trade Union Observers:	John Royle	Pamela Belgrave
Independent Advisers:	* Mr C Robertson	Independent Adviser
	* Honorary Alderman R Romain	Independent Adviser

* Denotes Member present

RECOMMENDED ITEM

76. Appointment of Pension Fund Co-optee

The Committee received a report of the Director of Finance regarding the re-appointment of the non-voting co-optee to the Committee.

An officer amended the recommendation set out in the report and it was

Resolved to RECOMMEND: (to Council)

That Howard Bluston be re-appointed as a non-voting Co-optee to the Pension Fund Committee for the Municipal Year 2019/20 under the working arrangements described in paragraphs 2 and 3 of the officer report.

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COUNCIL
18 JULY 2019

CONSTITUTION UPDATE

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REPORT FOR: COUNCIL

Date of Meeting: 18 July 2019

Subject: Constitution update

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Exempt: No

Wards affected: All

Enclosures: Appendix 1 – Proposed amendments to terms of reference for the Chief Officers’ Employment Panel
Appendix 2 – Proposed membership and terms of reference for an Independent Panel
Appendix 3 – Proposed membership and terms of reference for an Appeals Committee
Appendix 4 – Proposed amendments to the Officer Employment Procedure Rules
Appendix 5 – Proposed amendments to Article 4 of the Constitution
Appendix 6 – Proposed amendments to Article 13 of the Constitution
Appendix 7 – Proposed amendments to the Members’ Code of Conduct
Appendix 8 – Proposed amendments to Part 3B of the Constitution

Section 1 – Summary and Recommendations

This report sets out proposed additions and amendments to the constitution in line with recent local and national developments.

Recommendations:

Council is requested to:

- Agree the additions to the terms of reference for the Chief Officers' Employment Panel as set out in Appendix 1;
- Appoint an Independent Panel under s.102(4) of the Local Government Act 1972 with membership and terms of reference as set out in Appendix 2;
- Appoint an Appeals Committee with membership and terms of reference as set out in Appendix 3;
- Amend the functions of full council to include 'To confirm the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer, to impose a lesser sanction or to refer the matter back to the Chief Officers' Employment Panel'
- Remove the Statutory Chief Officers Disciplinary Panel from the constitution;
- Agree changes to the Officer Employment Rules as set out in Appendix 4;
- Instruct the Head of HR to:
 - draw up a disciplinary procedure to apply to the Head of Paid Service, Monitoring Officer and Chief Finance Officer taking into account the model procedure in the JNC for Chief Executives ('the JNC procedure') and the decisions of Council;
 - make any consequential changes necessary to other Council HR procedures and Employee Handbooks; and
- Delegate to the Monitoring Officer, following consultation with the Leader and the Leader of the Opposition, the power to:
 - suspend the Head of Paid Service in cases of emergency as defined in the JNC procedure; and
 - refer matters of discipline (as defined in the disciplinary procedure) in respect of the Head of Paid Service to the Chief Officers' Employment Panel;
- Delegate to the Head of Paid Service, following consultation with the Leader and the Leader of the Opposition, the power to:
 - suspend the Monitoring Officer or Chief Finance Officer in cases of emergency as defined in the JNC procedure; and
 - refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or Chief Finance Officer to the Chief Officers' Employment Panel;
- Agree amendments to Article 4 of the constitution as set out in Appendix 5;
- Agree amendments to Article 13 of the constitution as set out in Appendix 6;
- Subject to agreement by the Governance, Audit, Risk Management and Standards Committee on 16 July 2019 agree amendments to the

- | |
|--|
| <p>Code of Conduct for Councillors as set out in Appendix 7; and</p> <ul style="list-style-type: none">• Agree amendments to Part 3B of the constitution as set out in Appendix 8. |
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Section 2 – Report

Arrangements for discipline and dismissal of statutory chief officers

Background

The Local Authorities (Standing Orders) (England) Regulations 2001 ('the Regulations') set out provisions in relation to the disciplining and dismissal of the head of paid service, monitoring officer and chief finance officer ('the statutory chief officers').

The Regulations apply to matters which might lead to disciplinary action or dismissal in respect of statutory chief officers except for redundancy, the expiry of a fixed term contract or permanent ill health. They therefore cover dismissals for capability (performance or ill-health, other than permanent ill-health) or some other substantial reason including a breakdown in working relationships.

Amendments to the Regulations were made in 2015 and Council agreed at its meeting on 24 September 2015 to make changes to the constitution in line with the requirements of this revised legislation. This involved changes to the Chief Officers' Employment Panel and provision for a new Statutory Chief Officers Disciplinary Panel.

Current situation

The JNC for Chief Executives has now agreed a new model disciplinary procedure and the Council must therefore amend its constitution to reflect it.

Disciplinary Procedure

The model procedure requires an Investigating and Disciplinary Committee (IDC) to consider allegations in respect of statutory chief officers. It will have the power to suspend the officer and arrange for and consider an independent investigation. If it recommends dismissal this must be considered by an Independent Panel consisting of at least two independent persons (appointed under the Localism Act 2011 for the purpose of considering member complaints). It may also impose action short of dismissal.

Any recommendation to dismiss must (as now) be considered by full Council, which should have the power to accept the recommendation or impose a lesser or no sanction or refer it back to the Chief Officers' Employment Panel. It is proposed that the following be added to the functions of Full Council: 'To confirm the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer, to impose a lesser sanction or to refer the matter back to the Chief Officers' Employment Panel'. The model procedure provides that the Council meeting would also fulfil the appeal stage of the procedure.

It is proposed that the existing Chief Officers' Employment Panel should take on the functions of the IDC and therefore changes need to be made to its terms of reference (see Appendix 1).

The model procedure also requires that an Appeals Committee will consider any appeal against disciplinary action short of dismissal imposed by the IDC.

The Council needs to set up an Independent Panel and an Appeals Committee (see Appendices 2 and 3). The Statutory Chief Officers Disciplinary Committee is no longer required.

Suspension

The procedure also advises that an elected member be able to suspend a statutory chief officer in an emergency - i.e. when their presence 'poses a serious risk to the health and safety of others or the resources, information or reputation of the authority'. Given that such a power cannot be held by a single member, it is recommended it be delegated to Monitoring Officer (in the case of the Head of Paid Service) and the Head of Paid Service (in the case of the Chief Finance Officer or Monitoring Officer), both following consultation with the Leader and the Leader of the Opposition. The proposed amendments are shown in Appendix 8.

Disciplinary procedure

The Council does not have a separate procedure for statutory chief officers, instead referring to the procedures in the JNC Handbooks. However, it is recommended that a procedure is drawn up, in line with the JNC model procedure and the proposal above, to minimise confusion when dealing with any disciplinary situation in the future. Officers affected should be consulted.

Officer Employment Procedure Rules

Proposed changes to the Officer Employment Procedure Rules are set out at Appendix 4. There are a number of deletions in relation to provisions which are not necessary to be contained in the constitution or are set out elsewhere in the constitution. There are also changes to reflect that objections to the appointment or dismissal of certain officers must be both material and well-founded which is a legislative requirement.

The Rules currently state that grievances relating to the Head of Paid Service are dealt with by the COEP as are grievance appeals by Chief Officers. This is in line with the relevant Employee Handbooks but is not reflected in the COEP terms of reference. It is proposed that these provisions are taken out of the Officer Employment Procedure Rules but that an appropriate addition is made to the COEP terms of reference (see Appendix 1).

Policy Framework

Appendix 5 shows tracked changes to reflect more accurately the current legislation, including recent changes.

Principles of Decision Making

An internal audit report recommended that the principles of decision-making contained in Article 13 should be reviewed and updated as necessary. Appendix 6 sets out the proposed changes which are additions to the existing principles.

Review of Local Government Ethical Standards

GARMS met on 16 July 2019 to consider recommendations from the Review of Local Government Ethical Standards by the Committee on Standards in Public Life. This [report](#) set out various best practice recommendations in relation to standards matters, some of which require amendments to the Harrow's Councillor Code of Conduct. Subject to any views from the GARMS Committee, Council is asked to agree the changes at Appendix 7.

Role of the Corporate Strategic Board (CSB) and Building A Better Harrow Board (BBHB)

An internal audit report on the Regeneration Programme recommended that the role of CSB and BBHB should be included in the constitution along with their terms of reference. It was also recommended that the CSB terms of reference be reviewed to make it more robust and to define categories of decisions/information to be reported to CSB. The terms of reference for CSB have now been reviewed and proposed amendments to the constitution to comply with the recommendations are at Appendix 8.

Legal Implications

The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 are mainly set out in the body of the report.

Section 102(4) of the Local Government Act 1972 allows a local authority to appoint a committee to advise it. Members of such a committee do not need to be councillors.

Financial Implications

There are no financial implications arising as a result of the changes outlined in this report.

Risk Management Implications

Risk included on Directorate risk register? /No

Separate risk register in place? /No

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? /No

The proposals are required either by national developments in the case of the provisions regarding chief officers or following consideration by the Governance, Audit, Risk Management and Standards Committee. It is not considered that there is any potential adverse impact on any particular groups.

Council Priorities

Good governance arrangements ensure that the Council can concentrate on its priorities.

Section 3 - Statutory Officer Clearance

Name: Sharon Daniels	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 9 July 2019		
Name: Caroline Eccles	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 9 July 2019		

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

Contact: Caroline Eccles, Senior Lawyer and Assistant Team Leader, 0208 424 7580.

Background Papers:

JNC for Local Authority Chief Executives' Handbook
JNC for Local Authority Chief Officers' Handbook
Harrow Employee Handbook for Chief Executives
Harrow Employee Handbook for Chief Officers

Proposed amendments to terms of reference for the Chief Officers' Employment Panel

The Chief Officers' Employment Panel, which shall include one member of the Executive, has the following powers and duties:

- (a) to make recommendations to Council on the appointment of the Head of Paid Service;
- (b) to appoint and dismiss Chief Officers excluding the dismissal of the Chief Finance 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)~~ ~~(e)~~ to consider whether to impose a disciplinary sanction on a chief officer;

~~(e)~~ to consider matters and take action as required or permitted under the disciplinary procedure for the Head of Paid Service, Chief Finance Officer and Monitoring Officer including:

- to suspend such an officer and to review such suspension
- to appoint an independent investigator, agree terms of remuneration and working methods
- to appoint external advisers
- to consider the report of an independent investigator and in relation to that report:
 - to hold a hearing if appropriate to consider the report
 - to impose action short of dismissal on an officer
 - to decide to take no further action
 - to recommend informal resolution or other appropriate procedures
 - to refer back to the independent investigator for further investigation and report
 - to propose dismissal of an officer to Council (in which case the matter should be referred to the Independent Panel prior to referral to Council)

~~(f)~~ to decide whether any objections made by a member of the Executive are material and well-founded and, if it decides that they are, to take appropriate action

~~(e)~~~~(g)~~ to consider grievances by the Head of Paid Service, and appeals by a chief officer against grievance decisions made by the Head of Paid Service in relation to a grievance made by the officer

~~(e)~~~~(h)~~ to approve remuneration packages of £100,000 or over for any Council post; and

- | ~~(f)~~(i) to report back to Council for information purposes on all such approved remuneration packages.
- | ~~(g)~~(i) to approve any severance packages for Officers of £100,000 or over irrespective of the grade of Officer.
- | ~~(h)~~(k) to report back to Council for information purposes on all such approved severance packages.

Appendix 2

Proposed membership and terms of reference for Independent Panel

The Independent Panel shall consist of 2 independent persons appointed under s.27(7) of the Localism Act 2011. The Panel has the following duties:

- (a) to consider reports recommending dismissal made by the Independent Investigator and the Chief Officers Employment Panel in accordance with the disciplinary procedure applying to the Head of Paid Service, Chief Finance Officer and Monitoring Officer.
- (b) to prepare a report to Council stating whether it agrees or disagrees with the recommendation to dismiss, including its reasons.

Appendix 3

Proposed membership and terms of reference for Appeals Committee

The Appeals Committee is comprised of 5 members, including one member of the Executive, who are not also members of the Chief Officers Employment Panel. The Committee shall hear appeals by the Head of Paid Service, Chief Finance Officer and Monitoring Officer under the relevant disciplinary procedure against action taken against them short of dismissal.

The Committee may uphold the decision or reduce or remove the action.

~~H. Officer Employment Procedure Rules~~

Rule		Page No.
1.	Recruitment and Employment	4H-1
2.	Recruitment of Head of Paid Service and Chief Officers	4H-1
3.	Appointment of Head of Paid Service	4H-2
4.	Appointment of Chief Officers	4H-2
5.	Other Appointments	4H-2
6.	Additional Requirements Relating to Recruitment and Appointment	4H-2
7.	Disciplinary Action	4H-3
8.	Appeal to Members	4H-5
9.	Dismissal	4H-5
10.	Additional Requirements Relating to Suspension, Disciplinary Action and Dismissal	4H-5
11.	Interests of Officers in Contracts	4H-5

OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and Employment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment

- (i) No Councillor will seek support for any person for any appointment with the Council.
- (ii) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

2. Recruitment of Head of Paid Service, and Chief Officers

Where the Council proposes to appoint the Head of Paid Service or a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment of the Head of Paid Service, and Chief Officers, at least one member of the Executive must be a Member of that Committee or sub-committee

3. Appointment of Head of Paid Service

- 31 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Chief Officers' Employment Panel of the Licensing and General Purposes Committee. ~~The Chief Officers' Employment Panel must include at least one member of the Executive.~~
- 32 The full Council may only approve the appointment of the Head of Paid Service where no material and well-founded objection has been made by any Member of the Executive.

4. Appointment of chief officers

- (a) The Chief Officers' Employment Panel will appoint chief officers. That panel must include at least one member of the Executive.
- (b) An offer of employment as a chief officer shall only be made where no material and well-founded objection has been made by any member of the Executive.

5. Other appointments

- (a) **Officers below chief officer** Appointment of officers below chief officer (other than assistants to a political group) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) Assistants to political groups.

A political assistant may be appointed to a post which:

- Is made for the purpose of providing assistance to Council Members of a political group in their role as members of the authority;
- Is made at or below the maximum salary prescribed in the relevant Regulations in force at the time;
- Is for a term fixed by reference to the relevant regulations in force at the time;
- Is one of no more than three posts the Council have decided to create for the purposes of section 9 of the Local Government and Housing Act;
- Is at the selection of the political group to whom the post has been appointed."

~~(f) — In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities Conditions of Service any grievance relating to the Head of Paid~~

~~Service will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.~~

~~**(B) — Suspension — Statutory Chief Officers**~~

~~**(C) —**~~

~~The Head of Paid Service may suspend the Monitoring Officer or Chief Finance Officer whilst an independent investigation takes place into alleged misconduct. That suspension will be on full pay~~

~~and the investigation should last no longer than two months. The investigation will follow the Local Authorities (Standing Orders) (England) Regulations 2001 and the Model Procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.~~

~~**(D) — Grievance — Statutory Chief Officers**~~

~~(i) — Any grievance relating to the Statutory Chief Officers will be considered by the Head of Paid Service. If the Statutory Chief Officer remains dissatisfied the matter shall be referred to the Chief Officers' Employment Panel. The decision of the Panel shall be final.~~

~~(ii) — In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service any grievance relating to the Statutory Chief Officers will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.~~

~~**7.1 — Disciplinary Action — Chief Officers**~~

~~(A) — Disciplinary action against any other Chief Officer will follow the Model Disciplinary Procedure (as modified locally) set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.~~

~~**(B) — Suspension**~~

~~The Head of Paid Service may suspend a Chief Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and for no longer than two months, and will follow the Model Procedure (as modified locally) set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.~~

~~**(C) — Grievance — Chief Officers**~~

~~(i) — Any grievance relating to Chief Officers will be considered by the Head of Paid Service. If the Chief Officer is dissatisfied with the~~

~~response the matter will be referred to the Chief Officers' Employment Panel. The decision of the Panel shall be final.~~

~~(i) In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service any grievance relating to the Chief Officers~~

~~will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.~~

~~6. Appeal to Members~~

~~Councillors will not be involved in the disciplinary action against any officer below chief officer except to allow a right of appeal to Members in respect of disciplinary action taken under the Council's Disciplinary Procedure.~~

~~7.6. Dismissal~~

~~Where a Committee or sub-committee of the authority is discharging on behalf of the authority, the function of the dismissal of a chief officer, at least one Member of the Executive must be a Member of that Committee or sub-committee.~~

The dismissal of the Head of Paid Service, or a chief officer may only be confirmed where no material and well founded objection has been made by any Member of the Executive.

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.

~~8. Additional Requirements relating to Suspension, Disciplinary Action and Dismissal~~

~~Subject to the requirements of Rules 7, 8 and 9, relating to the suspension, disciplinary action and dismissal of officers, the person or body taking such action shall comply with the requirements of the **Disciplinary Procedure** set out in the Harrow Scheme for Pay and Conditions.~~

~~9. Interests of Officers in Contracts~~

~~An officer must give notice of any pecuniary interest in a contract entered into or proposed to be entered into by the authority. That notice must be given in writing to the Head of Paid Service, who shall record the information in a book to be kept for that purpose.~~

Article 4

The Full Council

Introduction

This Article defines the functions that are reserved for decision by the full Council.

The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for (i) regulatory functions (which include planning, licensing and health and safety at work); (ii) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws) and (iii) most of the local choice functions which the Council is free to decide whether they are the responsibility of full Council or the Executive. The Council also has a role in holding the Executive to account.

4.1 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
 - Community Safety Plan
 - Gambling Policy
 - Local Implementation Plan
 - Plans and strategies which together comprise the Development Plan
 - Youth Justice Plan
- (ii) Further Plans which the Council considers should be subject to Council approval:
 - Council's Corporate Plan
 - Corporate Equalities Objectives
 - Licensing Authority Policy Statement

- [Corporate Parenting Strategy](#)

Proposed amendments to Article 13

13.1 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- compliance with the code of conduct in relation to interests, bias and predetermination
- proportionality (i.e. the action must be proportionate to the desired outcome);
- rationality
- taking into account relevant considerations including risk, cost and government guidance
- evidence-based
- procedurally correct
- proper purpose
- legal compliance
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- consideration of the public sector equality duty and the Council's own Equality of Opportunity Policy
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- a recording of options considered and rejected;
- a recording of reasons for decisions

Proposed amendments to Code of Conduct for Councillors (Part 1)

A. CODE OF CONDUCT FOR COUNCILLORS

Background

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

This Code has been prepared and adopted by Harrow Council

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

PART 1

GENERAL PROVISIONS

Introduction and interpretation

- 1.1 This Code defines the standards of conduct, which will be required of you and in your relationships with the Council and its Officers. It has been created to embrace the 10 general principles of conduct which are set out in Appendix 1.
- 1.2 The Code represents the standard against which the public, fellow Councillors, and the Authority's Standards Committee will judge your conduct. A breach of the Code may also constitute a criminal offence.
- 1.3 You should familiarise yourself with the requirements of this Code. You should regularly review your personal circumstances, particularly when those circumstances change. If in any doubt, you should seek advice from the Authority's Monitoring Officer.
- 1.4
 - (1) This Code applies to you as a member of the Council.
 - (1) You should read this Code together with the general principles set out in Appendix 1.
 - (2) It is your responsibility to comply with the provisions of this Code.
 - (3) In this Code –
 - (a) "the Act" means the Localism Act 2011;

- (b) “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) “Co-opted member” means any person who is not a member of the Council but who:
- (i) Is a member of any committee or sub-committee of the council, or
 - (ii) Is a member of and represents the council on any joint committee or joint sub-committee of the Council, or
 - (iii) Is a non-executive member of Cabinet;
- (d) “director” includes a member of the committee of management of an industrial and provident society;
- (e) “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (f) “M” means a member of a relevant authority;
- (g) “meeting” means any meeting of -
- (i) the Council ;
 - (ii) the Executive of the Council ;
 - (i) any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (ii) in taking a decision as a Ward Councillor or as a Member of the Executive.
 - (v) at any briefing by officers; and
 - (vi) at any site visit to do with business of the authority
- (h) “member” includes a Co-opted member and an Appointed Member;
- (i) “relevant authority” means the authority of which M is a member;
- (j) “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of paragraphs 9.2 (a) or 12.1 of this Code.
- (k) “relevant person” means M or any other person referred to in paragraph 8.1 (b).
- (l) “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services

and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

(m) "subject to a pending notification" means a notification made of a disclosable pecuniary interest to the Monitoring Officer which has not yet been entered in the Register of Interests.

Scope

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

General obligations

3. (1) You must treat others with respect.

~~(2)~~ You must comply with any formal investigation under this Code of conduct

~~(2)~~(3) You must not-

(a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006

(b) bully or harass¹ any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

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

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

(e) make trivial or malicious allegations under this Code of conduct.

¹ Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Examples include:

Verbal: remarks about appearance, derogatory or lewd comments, innuendoes, persistent name calling, statements which are suggestive, unwelcome, abusive and offensive.

Behaviour: that denigrates or ridicules; intimidation or physical abuse; making threats; attempts to stir up hatred against an individual or group

~~(3)~~(4) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not -

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is -
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

6.1 You:-

- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Council -
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6.2 You may have dealings with the Council on a personal level, for instance as a council tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a Member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving

preferential treatment. Likewise, you should never use your position as a Member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

6.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Council for your use in your duties as a Councillor or a committee member or member of the Executive are used strictly for those duties and for no other purpose.

7.1 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –

- (a) the Council's Chief Finance Officer; or
- (b) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7.2 When reaching decisions you should -

- (a) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and
- (b) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

7.3 No member may be involved in scrutinising a decision in which he/she has been directly involved. In particular, Portfolio Holder Assistants should not participate in or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.

Proposed amendments to Part 3B of the Constitution

3B Delegations to the Head of Paid Service Corporate Directors and Statutory Officers

Extract 1 – addition of references to roles of CSB and BBHB

This Scheme sets out those delegations made to the Head of Paid Service and Corporate Directors whether by the Council or by Cabinet (the Executive) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

The Head of Paid Service, Corporate Directors and Statutory Officers may (where statute allows this) further delegate responsibility for matters to officers within their departments. These delegations must be in writing.

All delegated powers are derived from either the Council or Executive. The source of each delegation is specified in the Scheme.

Council, Cabinet or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant Corporate Director or the Head of Paid Service.

When any new power or duty is given to the Council and it is unclear where responsibility for that function lies, the exercise of that power or duty will be undertaken by the Head of Paid Service or relevant Corporate Director.

Role of the Corporate Strategic Board (CSB)

The Chief Executive, Corporate Directors, Monitoring Officer, Chief Finance Officer and Director of Adult Social Services are members of CSB. All officer reports must be considered by CSB in draft form before being submitted to Cabinet.

The terms of reference of CSB are as follows:

- Provide strategic leadership by:
 - Setting a clear direction of travel and vision for the organisation
 - Developing council strategies and policies
 - Developing a corporate view and key messages
 - Providing robust and constructive challenge
 - Facilitating political management of cross council and partnership issues
 - Enhancing/maintaining the reputation of the council
 - Having overview of the council's finances and budget
 - Having an overview of the council's governance arrangements e.g. legal and financial
- Consider and make decisions on council issues which need cross council input and/or ownership to deliver. These may be of particular high risk or complexity, or a priority in the corporate plan.

- Develop thinking at the beginning of a new policy or strategy to help set direction of travel.
- Collaborate on finding solutions to 'sticky' issues affecting the council or to improve services.
- Monitor corporate performance, budget and risk, and act as appropriate.

Role of the Building a Better Harrow Board (BBHB)

The Chief Executive, Corporate Directors, Monitoring Officer, Chief Finance Officer Director of Adult Social Services and Divisional Director, People Services Strategy are members of the BBHB. The terms of reference of the BBHB are as follows:

1. To provide a Strategic Regeneration Direction for London Borough of Harrow to include:

- Strategic Development & Council Lead Regeneration Plans
- Long, Medium and Short Term Council Regeneration Investment Strategy
- Wider Regeneration Programmes across the Council
- Commercial Management of Councils Investments Vehicles (including Concillium Group Ltd, Concillium Business Service Ltd trading as Smart Lettings, Concillium Assets LLP and Sancroft Community Care Ltd)
- Regeneration Programme - Build New Homes to provide long term income streams to the Council, Affordable Housing and Social Rental properties

2. To provide Strategic Direction & Statutory Compliance of all Councils Assets:

- Asset Management Strategy (including Asset Rationalisation, Disposals and Best use of Councils Assets)
- Development of Corporate Landlord function (excluding Housing Assets)
- Development of Council Regeneration Investment Programme (including land assembly/acquisitions)
- Strategic Management of all Councils Contracts including PFI contracts.

3. To provide a wider Strategic Direction on the interactions within Council services to meet the Councils Ambition plan:

- Community Needs Strategy (including patterns of community need, Homelessness, Care provision, Education and Health)
- Economic Strategy (including Income Generation with new businesses, Business Retention and Rates, Homes, Employment, Apprenticeships and Improvement of Harrow Town Centres/High Streets/District Centres)
- Improving Civic offer and making the most efficient use of public buildings

Extract 2 – delegation of powers to Head of Paid Service and Monitoring Officer

INDIVIDUAL DELEGATIONS	Source of Delegation
Head of Paid Service	
7. To take such action in relation to Statutory Chief Officers and Chief Officers as assigned in Rule 7 of Section 4H.	Council
<u>Following consultation with the Leader and the Leader of the Opposition, to suspend the Monitoring Officer or Chief Finance Officer in cases of emergency as defined in the JNC procedure</u>	<u>Council</u>
<u>Following consultation with the Leader and the Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or Chief Finance Officer to the Chief Officers' Employment Panel</u>	<u>Council</u>
Monitoring Officer	
<u>Following consultation with the Leader and the Leader of the Opposition, to suspend the Head of Paid Service in cases of emergency as defined in the JNC procedure</u>	Council decision July 2019
<u>Following consultation with the Leader and the Leader of the Opposition, refer matters of discipline (as defined in the disciplinary procedure) in respect of the Head of Paid Service to the Chief Officers' Employment Panel</u>	Council decision July 2019

COUNCIL
18 JULY 2019

INFORMATION REPORT - DECISIONS TAKEN
UNDER THE URGENT ACTION PROCEDURE -
COUNCIL

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REPORT FOR: Council

Date of Meeting: 18 July 2019

Subject: **Information Report - Decisions taken under the Urgent Action Procedure - Council**

Responsible Officer: Hugh Peart – Monitoring Officer

Exempt: No

Temporary additional payment to the Divisional Director, Commissioning and Commercial Services

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

To approve the temporary additional payment of £10,000 per annum to the Divisional Director, Commissioning and Commercial Services for undertaking additional responsibilities (except for overall management of environment services) due to the absence on long term sickness of the Divisional Director for Environment and Culture.

As there were no planned meetings of the Chief Officers' Employment Panel this matter was dealt with under the urgent matters procedure.

West Street and Church Fields – Definitive Map Modification Order

In accordance with the delegations to Chief Officers, the Chair and nominated Member of the Licensing and General Purposes Committee of the Council were consulted on the following urgent decision, which was approved on behalf of the Licensing and General Purposes Committee, as it required action and there was no scheduled meeting of the Committee. Similarly, the matter is reported here for the purposes of transparency as there is no scheduled meeting of the Committee.

To authorise a Modification Order of the Definitive Map to include the area of land between West Street and Church Fields indicated on the Plan attached at Appendix 4 to the officer report as a Byway open to all traffic. This was agreed in order to comply with the Wildlife and Countryside Act 1981.

FOR INFORMATION

Contact:

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Background Papers: Urgent Decision Forms

COUNCIL
18 JULY 2019

INFORMATION REPORT - DECISIONS TAKEN
UNDER THE URGENCY PROCEDURE -
EXECUTIVE

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REPORT FOR: Council

Date of Meeting: 18 July 2019

Subject: **Information Report - Decisions taken under the Urgency Procedure - Executive**

Responsible Officer: Hugh Peart – Monitoring Officer

Exempt: No

Summary and Recommendations

This report sets out details of a decision taken under the Urgency procedure by the Leader of the Council since the meeting of the Council (Annual) on 16 May 2019.

FOR INFORMATION

Report

In accordance with Committee Procedure Rule 47.6 set out in Part 4 of the Council’s Constitution, any Executive decisions taken as a matter of urgency are reported to the next available meeting of the Council.

Two such decisions will have been taken since the Annual Council meeting on 16 May 2019, the details of which are below:

Subject	Decision Maker	Reason for Urgency
Property Acquisition	Cabinet – 11 July 2019	Under the Heads of Terms, the Council was required to

		simultaneously exchange contracts and complete the purchase within 20 working days of receiving legal papers from the Vendor. If the Council could not comply the Vendor may re-market the site and the Council may lose this opportunity.
2 year Budget Strategy 2020/21 to 2021/22	Cabinet – 11 July 2019	The report was originally intended to be for information only but it had been necessary to include a recommendation in the report seeking Council's approval to add £100m to the Capital Programme.

Where appropriate, Ward Councillors, outside organisations and interested parties were consulted on the individual reports considered by Cabinet and the Leader.

Where decisions were deemed urgent, the agreement of the Chair of the Overview and Scrutiny Committee was obtained that the decision would not be subject to the call-in procedure.

Contact Details and Background Papers

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Background Papers:

Council's Constitution

Cabinet report – 11 July 2019