



Council

Minutes

30 November 2023

Present: Councillor Ramji Chauhan (The Worshipful the Mayor)

Councillor Salim Chowdhury (The Deputy Mayor)

Councillors:

Ghazanfar Ali	Eden Kulig
Dan Anderson	Kuha Kumaran
David Ashton	Jean Lammiman
Marilyn Ashton	Jerry Miles
Peymana Assad	Vipin Mithani
Christopher Baxter	Amir Moshenson
June Baxter	Janet Mote
Philip Benjamin	Phillip O'Dell
Govind Bharadia	Paul Osborn
Nicola Blackman	Mina Parmar
Simon Brown	Varsha Parmar
Shahania Choudhury	Anjana Patel
Matthew Goodwin-Freeman	Pritesh Patel
Stephen Greek	David Perry
Chetna Halai	Natasha Proctor
Susan Hall	Kanti Rabadia
Graham Henson	Aneka Shah-Levy
Maxine Henson	Rekha Shah
Stephen Hickman	Norman Stevenson
Nitesh Hirani	Samir Sumaria
Asif Hussain	Krishna Suresh
Thaya Idaikkadar	Sasi Suresh
Ameet Jogia	Yogesh Teli
Rashmi Kalu	Zak Wagman
Hitesh Karia	Antonio Weiss

**Apologies
received:**

Councillor Kandy Dolor
Councillor Dean Gilligan

Councillor Nitin Parekh

PRAYERS

The meeting opened with Prayers offered by Kirit Wadia ('Neasden Temple')

108. Minute Silence

Members of Council stood and observed one minute silence for former Mayor and Councillor Asad Omar who had sadly passed away in October 2023 and for former Councillor Tony Ferrari who had passed away in November 2023.

109. Council Minutes

RESOLVED: That the minutes of the meeting held on 28 September 2023 be taken as read and signed as a correct record.

110. Declarations of Interest

The following interests were declared during the course of the meeting:

Item 14 – Questions with Notice

Councillor Susan Hall declared an interest in that the Mayor of London was mentioned and that she was a member of the Greater London Authority. She would remain in the room whilst the question was put and answered.

Councillor Asif Hussain declared an interest in that the Mayor of London was mentioned and that he was employed by the Greater London Authority. He would remain in the room whilst the question was put and answered.

111. Procedural Motions

There were no procedural motions.

112. Petitions

There were no petitions received.

113. Public Questions

There were no public questions.

114. Leader and Portfolio Holder Announcements

- (i) The Leader of the Council, Councillor Paul Osborn, introduced the item highlighting the Administration's achievements, challenges and plans since the last ordinary meeting.
- (ii) Other Members spoke and asked questions of the Leader of the Council which were duly responded to.

115. Long Service Award - Councillor Simon Brown

Council had previously agreed, by Resolution 192 on 18 July 1985, that Members who completed 25 years' service with the Council be presented with framed, illuminated copy resolutions of appreciation. Councillor Simon Brown had completed 25 years' service as a Member of the Authority in May 2023, and the resolution of appreciation had been adopted by Council on 28 September 2023.

The Mayor, Councillor Ramji Chauhan, on behalf of the Council, now formally congratulated Councillor Simon Brown and presented him with a framed, illuminated copy resolution to mark his long service achievement. Councillors David Perry, Marilyn Ashton, Graham Henson, Jean Lammiman, Natasha Proctor, Janet Mote, Sasi Suresh and Paul Osborn spoke in appreciation of Councillor Simon Brown's service.

Councillor Simon Brown returned thanks for his presentation.

116. Employment Arrangements for the Head of Paid Service (Managing Director)

RESOLVED (unanimously): That the current fixed-term arrangements for Alex Dewsnap, Head of Paid Service (Managing Director) be extended for a further three years until 2026 in accordance with the terms and conditions governing Chief Officer posts.

117. Constitution Update

RESOLVED: That

- (1) the Constitution be amended as set out in appendices A, B and C to these minutes;**
- (2) the Monitoring Officer be authorised to make these changes to the Constitution.**

118. Governance, Audit, Risk Management and Standards Committee Annual report

RESOLVED: That the Governance, Audit, Risk Management and Standards Committee Annual Report 2022/23 be noted.

119. Annual Youth Justice Plan

RESOLVED: That the Youth Justice Plan 2023-24 be approved.

120. Information Report - Use of Urgency Procedure - Council

RESOLVED: That the report be noted.

121. Information Report - Remuneration Packages of £100,000 or greater

RESOLVED: That the report be noted.

122. Questions with Notice

To note that four questions from Councillors to the Portfolio Holders had been received and that the recording was on the Council's website.

123. Motions

(i) "Tamil Heritage Month Motion"

Motion in the names of Councillor Thaya Idaikkadar and seconded by Councillor Kuha Kumaran:

"This Council notes:

- that January 2024 will be Tamil Heritage Month.
- The tremendous contributions that Tamils make to Harrow's diverse community.
- The richness of Tamil culture and the positive difference it has made to our society locally.
- January is an important month for Tamils as it marks Thai Pongal, the Tamil Harvest Festival.
- The importance of increasing awareness about the accomplishments of the Tamil diaspora.

This Council resolves to:

- Reaffirm our strong commitment to support Tamil Heritage Month events in Harrow.
- Continue to work with and support the local Tamil community."

A tabled amendment in the names of Councillor Krishna Suresh and Councillor David Perry was received. Councillor Paul Osborn raised a point of order stating that the amendment introduced a new proposal. In accordance with Council Procedure Rule 17.6.1, the Mayor stated that he would accept the amendment subject to the deletion of the changes proposed to the last bullet point. The tabled amendment, having been further amended was then put to the vote and was agreed.

RESOLVED (unanimously): That the amended Motion, as set below, be adopted:

"This Council notes:

- that January 2024 will be Tamil Heritage Month.
- That Harrow Council was the first ever council in the country in 2020 to recognise celebration of Tamil Heritage Month in January.
- The tremendous contributions that Tamils make to Harrow's diverse community.

- **The richness of Tamil culture and the positive difference it has made to our society locally.**
- **January is an important month for Tamils as it marks Thai Pongal, the Tamil Harvest Festival which are proud to be celebrating in Harrow since 2011.**
- **The importance of increasing awareness about the accomplishments of the Tamil diaspora.**

This Council resolves to:

- **Reaffirm our strong commitment to continue to support Tamil Heritage Month events in Harrow.**
- **Continue to work with and support the local Tamil community.”**

(ii) “Supporting Voter ID Motion

Motion in the names of Councillor Paul Osborn and Councillor Marilyn Ashton:

“The London Borough of Harrow recognises the importance of public trust in the security of the electoral process.

This Council notes:

- The threats to the democratic process must be combated to protect the integrity of our democracy.
- That the independent electoral Commission has called for a resolution to issues relating to voter ID in the UK.
- The recent law change allows for the provision of free voter ID cards (Voter Authority Certificates) which are issued by local authorities. This means financial hardship will not be a barrier to a voter’s ability to get an ID and cast their ballot.

This Council believes:

- Considering how frequently residents now require ID in their day-to-day lives, the new requirement for voters to have ID to vote is a reasonable approach to reducing the threat of voter fraud and ensures that there are still not significant barriers to voting.
- That the system for applying for voter ID for those without a valid voter ID is simple and has ensured that all can access the electoral process.

This Council resolves:

- To fulfil its duty to properly inform residents about the latest change in voting requirements.
- To commit to continuing to use its communication channels to notify residents about the need for voter ID in next year’s Mayoral, GLA and parliamentary elections.”

A tabled amendment in the names of Councillor Eden Kulig and Councillor Asif Hussain was received, put to the vote and was lost.

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

(iii) “Motion – Mortgages and Rent in Harrow

Motion in the names of Councillor Antonio Weiss and seconded by Councillor David Perry:

Council recognises that people across our borough are struggling to make ends meet and are in urgent need of support.

- One in five adults in the UK has less than £100 in savings.
- Nearly four million children in Britain live in poverty.
- Areas of Harrow are the most deprived in the country, with many residents living in overcrowded accommodation.

High inflation and borrowing rates have hit lower-income households hardest, mostly because of the sharp increases in mortgage rates and rent.

Council notes that:-

- The Resolution Foundation estimate that about 21% of the 7.586m households with mortgages or loans (around 1.6 million households) will see their fixed-rate mortgage deal expire between Q1 2023 to Q1 2024, and are set to face an average increase in their annual mortgage bill of around £2,300 if they re-fix.
<https://www.resolutionfoundation.org/publications/macroeconomic-policy-outlook-q2-2023/>. In Harrow, that is the equivalent of 5771 households paying a combined £13,273,806
- For a typical mortgage couple in their 30s that would translate into a fall in disposable income of around 11%.
- The Bank of England Bank Rate was just 0.25% at the beginning of 2022 and although the Bank of England kept interest rates at 5.25% in November 2023, analysts expect more pain to come with some predicting rates will go as high as 5.75% and remaining above 5% until the summer of 2024 before starting to fall towards 3.6% in five years' time.
- Mortgage stress levels are set to hit heights not seen since the 1980s.
- Private landlords will also be looking to pass this increase onto their tenants through increased rents.
- Between April 2019 and September 2023 there were 753 no fault evictions in Harrow.

‘No-fault evictions’, also known as Section 21 notices, allow landlords to order tenants to leave with a minimum of two months’ warning - without

having to prove that the tenant is at fault in any way.

The figure of 753 is based on the number of no-fault eviction letters that have been followed up with a possession claim in the courts. The true scale of the problem in Harrow could be worse, as not all Section 21 notices will necessarily reach this stage.

- According to the latest Government data, in 2021 there were:-
 - 22,629 households privately renting in Harrow
 - 9,234 properties were let at social rent.
- According to the latest Bank of England data, 43% families are struggling to pay their rent – 13,700 households in Harrow.
- Due to the lack of leadership in government from successive Conservative Prime Ministers and Chancellor's, the economy has suffered from bad policy to bad decisions, thus negatively impacting mortgage payers and renters in Harrow.

Council resolves: -

- To use all available routes to urge central government to take a more proactive approach in supporting Harrow residents through the ongoing cost of living crisis and high inflation, in particular: -
 - to immediately adopt measures to ease the mortgage crisis and halt repossessions and evictions by guaranteeing support from lenders for struggling mortgage borrowers.
 - Mandatory mortgage flexibility and support from lenders, not voluntary.
 - recognise the pressures that high inflation is placing on local government finances and provide proper funding to councils to support residents to remain living locally in Harrow; like through Discretionary Housing Payments that allow councils to support those in the greatest need.
- To clearly signpost the support, networks and guidance that is available in Harrow, and promote through appropriate channels to our residents and businesses.
- To ensure our local voices are heard, the Leader of the Council and Leader of the Opposition will form a delegation with all Harrow MP's and request a meeting with the Chancellor of the Exchequer. The Council must stand up for our local residents and aim for the above positive changes to alleviate the pressure on mortgage and rent payers."

A tabled amendment in the names of Councillor Paul Osborn and Councillor Marilyn Ashton was received, put to the vote and was carried.

RESOLVED: That the Motion as set out below be adopted:

“Council recognises that people across our borough are struggling to make ends meet and are in urgent need of support.

- **A few surveys were conducted during 2021/2022 and the data analysis suggested that one in five adults in the UK has less than £100 in savings.**
- **In 2021/22 Child Poverty Action Group asserted that nearly four million children in Britain live in poverty.**
- **Two LSOAs (Lower Layer Super Output Areas) within Harrow are in England’s most deprived 20% and some residents are living in overcrowded accommodation.**
- **According to the 2019 English Indices of Deprivation Index, published by the previous administration on the 26 September 2019, Harrow ranks 207 out of 317 (where 1 is the most deprived out of 317 local authorities in England) and 27 out of 33 London Boroughs (including City of London).**

High inflation and borrowing rates have hit lower-income households hardest, mostly because of the sharp increases in mortgage rates and rent caused by the global Covid pandemic and the war in Ukraine.

Council notes that:-

- **The Resolution Foundation estimate that about 21% of the 7.586m households with mortgages or loans (around 1.6 million households) will see their fixed-rate mortgage deal expire between Q1 2023 to Q1 2024, and are set to face an average increase in their annual mortgage bill of around £2,300 if they refix.**
<https://www.resolutionfoundation.org/publications/macroeconomic-policyoutlook-q2-2023/> In Harrow, that is the equivalent of 5771 households paying a combined £13,273,806.
- **For a typical mortgage couple in their 30s that would translate into a fall in disposable income of around 11%.**
- **The Bank of England Bank Rate was 5.5% in 2008 before the global financial crisis before falling to just 0.25% in August 2016 where it held steady until the beginning of February 2022.**
- **Mortgage stress levels are set to hit heights not seen since Gordon Brown was Chancellor of the Exchequer.**
- **Under both the Coalition and Conservative government’s interest rates averaged at 1.18%, this compares with an average of 4.82% under the last Labour government (1997-2010).**
- **Private landlords may also be looking to pass increased costs onto their tenants through increased rents.**
- **The current mechanism of ‘no-fault evictions’, also known as Section 21 notices, has existed since the Housing Act 1988.**
- **Between April 2019 and September 2023 there were 753 no-fault evictions in Harrow.**
 - **‘No-fault evictions’ allow landlords to order tenants to leave with a minimum of two months’ warning - without having to prove that the tenant is at fault in any way.**
 - **The figure of 753 is based on the number of no-fault**

eviction letters that have been followed up with a possession claim in the courts. The true scale of the problem in Harrow could be worse, as not all Section 21 notices will necessarily reach this stage.

- According to the latest Government data, in 2021 there were:-
 - 22,629 households privately renting in Harrow.
 - 9,234 properties were let at social rent.
- According to the latest Bank of England data, 43% families are struggling to pay their rent – 13,700 households in Harrow.

Council resolves: -

- To use all available routes to urge central government to continue to take a proactive approach in supporting Harrow residents through the ongoing cost of living crisis and high inflation, in particular: -
 - Continue the Household Support Fund for an additional year.
 - Raising the Local Housing Allowance (LHA) rates to the 30th percentile of local market rents from April 2024.
 - Continue the measures the Chancellor has agreed with lenders in the mortgage charter which will help ease the mortgage crisis and will help halt repossessions and evictions.
 - recognise the pressures that high inflation is placing on local government finances and provide fairer funding to councils to support residents to remain living locally in Harrow; like through Discretionary Housing Payments that allow councils to support those in the greatest need.
- To continue to signpost the support, networks and guidance that is available in Harrow, and promote through appropriate channels to our residents and businesses.”

(Close of Meeting: All business having been completed, the Mayor declared the meeting closed at 9.29 pm).

~~Cabinet Decisions Protocol~~

~~Corporate Directors have delegated authority to take and implement decisions required to run their services and to authorise expenditure within approved limits.~~

~~This delegation should not be exercised where:~~

- ~~• The issue is not covered by an approved policy~~
- ~~• There are unusual features~~
- ~~• There are political or other significant issues~~
- ~~• Specific terms of the officer delegation require it or~~
- ~~• Members are specifically charged with making the decision (e.g. certain licensing or planning matters).~~

~~Where it is not appropriate to exercise officer delegated powers, the matter should be referred to members to determine. For an executive function the decision should go to Cabinet or portfolio holder, for a non-executive function to the appropriate council side body or Council, for example, planning and licensing decisions.~~

~~In determining who should determine the matter, early discussion with the portfolio holder, and where appropriate the Leader, is essential. Significant decisions relating to executive functions will normally be considered by the Corporate Leadership Board, where the issue of who should determine the matter will also be considered.~~

~~If it is decided that the matter should be determined by Cabinet, consideration should be given the responsibilities of Cabinet in the Constitution at page 3-19 and whether the matter might be a Key Decision.~~

~~**A Key Decision is an executive decision which:**~~

- ~~(i) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or~~
- ~~(ii) is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.~~

~~**A decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question.**~~

~~The rationale behind having a key decision threshold is to ensure that residents and Overview and Scrutiny are aware in good time of significant matters under consideration, via the published Forward Plan.~~

~~In determining whether an effect is significant under paragraph (ii) above, the following factors should be taken into account:~~

- ~~• the extent of the impact (i.e. how many wards may be affected?);~~
- ~~• the likely views of those affected (i.e. is the decision likely to result in substantial public interest?);~~
- ~~• whether the decision is likely to be a matter of political controversy; and~~
- ~~• whether the decision may involve a significant social, economic or environmental risk.~~

~~Where there is any doubt, Corporate Directors should err on the side of caution and include the matter in the Key Decision Schedule.~~

~~If a Corporate Director decides to exercise their delegated powers then they are accountable to the Council or Cabinet or the Committee from which those delegated powers derive, and they must comply with the Contract Procedure Rules and Financial Regulations in force at the time.~~

~~Whoever makes a decision must comply with following principles:~~

- ~~• proportionality;~~
- ~~• appropriate consultation;~~
- ~~• consideration of professional advice;~~
- ~~• respect for human rights;~~
- ~~• due regard to the public sector Equality Duty;~~
- ~~• a presumption in favour of openness;~~
- ~~• clarity of aims and desired outcomes;~~
- ~~• a recording of options considered and rejected.~~

Code of Conduct for Officer Member Relations

1. Context

- 1.1 This Code is to guide members and officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government.
- 1.2 The Council has endorsed this Code as setting the standard for the conduct between officers and members.
- 1.3 Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of residents in their wards.
- 1.4 The officers of the Council will support all members to enable them to perform these roles effectively in the interests of the Council and residents. They will provide support, information and advice to members to help them in these roles in accordance with this Code.
- 1.5 The organisational role of officers has two important dimensions. Some officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 1.6 Professional officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' the facts of any particular situation.
- 1.7 In addition, members and officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no member involvement in implementation issues, however members set the direction of travel and officers are responsible for the implementation of policy.
- 1.8 Where these two spheres of policy and implementation come together and overlap, it is important that there is effective dialogue in a shared space and the opportunity for ideas, support, problem-solving and monitoring of progress. While members and officers may have their own specific roles and responsibilities, there are some grey areas in which both groups have a shared responsibility, e.g., agreeing workable policies and monitoring performance.
- 1.9 If members and officers work in isolation, and there is little or no communication between them, it is easy to see how strategic direction and delivery become disconnected. This would have a detrimental effect on services and make it difficult to provide the community with clear communication about priorities.
- 1.10 Officers serve the whole Council. They work to the instructions of their line manager through to the Head of Paid Service.
- 1.11 In relation to staffing matters members and officers will comply with Human Resource policies and procedures. Employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly.

2. **Performance of officers**

- 2.1 Members can constructively challenge and comment on reports or the actions taken by officers, but they should always:
- avoid personal attacks on officers
 - ensure that constructive challenge is presented in a reasonable manner.
- 2.2 Complaints about officers or council services should be made to the relevant Director, Head of Paid Service, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.
- 2.3 Members should avoid undermining officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general officers are unable to 'answer back' or defend themselves against criticism in a public forum.

3. **Political Neutrality of Officers**

- 3.1 Officers and members make distinct contributions to the running of the council. Officers must act with political impartiality, serving the whole council rather than particular groups or councillors.
- 3.2 Officer reports will be factual and may identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.
- 3.3 Officers must never allow their own personal or political opinions to interfere with their work or be explicitly displayed in their work.
- 3.4 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

4. **Meetings between officers and members**

- 4.1 The extent to which it is appropriate for officers to attend meetings with members depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent access to officers' time is available to all political groups represented on the Council if they so request.
- 4.2 Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with members of another Political Party unless this is agreed and necessary.
- 4.3 Officers may attend for briefing with the Leader, Portfolio Holders and/or Lead Members of all political parties on the Council in their offices.
- 4.4 Any particular case of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Head of Paid Service who will discuss them with the relevant group leader(s).

5. **Political Group Meetings**

- 5.1 Officers, apart from group office staff, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Head of Paid Service or Monitoring Officer. Conversely, the Head of Paid Service may arrange meetings with, or presentations to, party groups on particular topics.
- 5.2 Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Head of Paid Service or Monitoring Officer who would be responsible for advising the other groups who could then ask for the same briefing. Officers may attend briefing meetings with councillors prior to a formal meeting.

6. **Personal relationships**

- 6.1 In order for the business of a council to be conducted effectively, it is necessary for there to be a close working relationship between the councillors and the officers of the council
- 6.2 Mutual respect, trust and good communication are key to establishing good councillor and officer relations. Close personal familiarity should be avoided – such relationships should never be allowed to become so close, or appear to be so close, that the officer's ability to deal impartially with other councillors and party groups is brought into question.
- 6.3 Members should declare to their Group Leader and to the Head of Paid Service/ Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a member. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.
- 6.4 In most cases, members are expected to deal in the first instance with the Directors and Heads of Service. This is because:
 - Senior officers are in a better position to provide authoritative information or advice;
 - They need to be aware of any questions or complaints raised by Councillors;
 - They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under officers' delegated authority; and
 - They are able to investigate and deal with any shortcomings there might be at the point of service delivery
- 6.5 Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff. Dealing with more senior staff avoids the possibility of junior staff being 'intimidated' by over-enthusiastic members.
- 6.6 It is especially important that there should be a close working relationship between Portfolio Holders, Chairs, Vice Chairs and senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups.

7. Officer appointments

7.1 Appointments at Chief Officer level and DCS, DASS, DPH and political assistants, are made by a member level selection committee or panel. All other appointments are made at officer level. However, the Head of Paid Service may invite relevant members as observers to join the interview panel for political-facing roles such as other Director roles, Head of Service roles and the Mayor's secretary,

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7.17.2 ~~other than employees working in the political group offices, where the Head of Paid Service may invite a relevant member to join the interview panel and to participate in the selection process.~~ New remuneration packages over £100k must be approved by members but this does not mean that they need to be involved in the recruitment. These packages are reported by COEP to Full Council.

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7.27.3 Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers, though the relevant cabinet member may agree the performance targets jointly with the Head of Paid Service in the case of chief officers.

7.37.4 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected to raise the matter with the relevant corporate service director or Head of Paid Service in the first instance.

7.47.5 Specific provisions apply in relation to disciplinary action against the Relevant Officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer) (see Officer Employment Procedure Rules in Part 4H of the Constitution).

8. Working with Overview and Scrutiny

- 8.1 Overview and Scrutiny Committees have the power to require members of the cabinet and officers to appear before them and answer questions. Harrow's Constitution states that officer attendance should be by a Chief Officer, but that they may, if appropriate arrange for other staff to attend meetings to assist.
- 8.2 The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.
- 8.3 Further information about member and officer involvement in Overview and Scrutiny can be found in the Committee Procedure Rules.

J. PROTOCOL ON GIFTS AND HOSPITALITY

1. Introduction

- 1.1 This Protocol is intended to provide guidance on acceptance of gifts and hospitality to all Members of the Council. Examples of such gifts and hospitality may be invitations to awards ceremonies, courses, dinners and lunches.
- 1.2 In this Protocol, "Member" includes the Mayor, all elected Members of the Council and all non-elected members (Co-opted members) of any Committee including the Standards and Overview and Scrutiny Committee (or any Sub-committees).
- 1.3 The Code of Conduct requires that you register in your Register of Interests, any gifts or hospitality with an estimated valued of **at least £100.00** which are received and accepted by you in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as a representative of the Council.
- 1.4 You must register the source and nature of the gift or hospitality received.
- 1.5 This must be registered as soon as possible after acceptance and, in any event, within 28 days of receipt.
- 1.6 An accumulation of small gifts you receive from the same source over a short period that add up to £100 or more must be registered.
- 1.7 You may have to estimate how much a gift or hospitality is worth. Although the registration requirement in the Code is limited to gifts or hospitality worth at least £100.00, you are encouraged to register any significant gift or hospitality you receive below this value.
- 1.8 If in doubt as to the value of a gift or hospitality and/or whether to register it, please consult the Monitoring Officer, but as a general rule; you should register it, as a matter of good practice.
- 1.9 There is no requirement to register gifts or hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer, particularly if they were of value.
- 1.10 The information contained in this Protocol supplements the Council's Code of Conduct for Councillors and sets out the principles which Members should apply whenever they have to decide whether it would be proper to accept any gift or hospitality.

2. General Caution

- 2.1 As a Member you must act in the public interest and must not be swayed in the discharge of your duties by any inducement or reward. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate

acceptance by you of a gift or hospitality.

- 2.2 You should treat with extreme caution any offer or gift or hospitality that is made to you personally and consider carefully all the circumstances surrounding the offer.
- 2.3 The scale, amount of the offer and the potential frequency and sources are all relevant factors. You should be sensitive to the timing of the offer in relation for example to decisions which the Council may be taking, affecting those making the offer.
- 2.4 You should ask yourself, "**would I have been given this if I was not a member appointed to the Council**". If you are in doubt as to the motive behind a gift or hospitality, you should register it and speak to the Monitoring Officer.
- 2.5 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public.
- 2.6 There is a delicate balance between acceptance or refusal of hospitality or tokens of goodwill on certain occasions. To refuse may cause misunderstanding or offence. However, to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision. When returning a gift be careful not to cause any offence or harm future relations.
- 2.7 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

3. ~~Personal and Prejudicial Interests~~

- 3.1 Like other interests in your Register of Interests, you automatically have an ~~personal~~ interest in a matter under consideration if it is likely to affect the person/organisation who gave you a gift or hospitality that is registered. In such circumstances you must consider whether the interest would lead to bias or predetermination on your part.
- 3.2 You must **disclose the interest at a meeting** of the Council or one of its bodies at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality).
- ~~3.3 You will also then have to decide whether that interest is also a prejudicial interest. In all cases you should ask yourself "**would a member of the public, knowing the facts, reasonably think that I might have been influenced by the gift or hospitality received.**" If the interest is prejudicial, you must declare that you have a prejudicial interest and comply with the rules on prejudicial interest.~~
- 3.34 You must continue to disclose the existence and nature of the gift or hospitality

at relevant Council meetings for ~~one~~³ years from the date you first registered the gift or hospitality. Once ~~one year~~ ~~three years~~ has~~ve~~ passed since you first registered the gift or hospitality, your obligation to disclose that interest to any relevant meeting will cease.

4. Appropriate Gifts and Hospitality – THE DO'S

4.1 It is acceptable to receive gifts and hospitality from family and friends (as birthday or other festive presents) that are not related to your position as a member. You should, however, question any such gifts or hospitality offered from an unusual source.

4.2 You may accept gifts or hospitality provided to you by the Council and accept on the Council's behalf those gifts that are given formally to the Council and which are retained by the Council and not by you personally.

4.3 Other circumstances where you may accept gifts and hospitality and declare them if they are over the value of £100 in the normal course of your duties:

- Civic hospitality provided by another public authority.
- Modest refreshment in connection with any meeting in the course of your work as a Councillor (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council.
- Small low value gifts such as pens, mouse pads, calendars, diaries, branded with the name of a company or organisation, flowers or other mementos and tokens. However you should take care not to display branded items when this may be taken as an indication of favour to a particular supplier or contractor.
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
- Modest souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).



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5. Principles to Apply in Relation to Gifts and Hospitality – THE DON'TS

5.1 In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member of the Council. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward to you then you should decline it. ('Reward' includes remuneration, reimbursement and fee)
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - From parties involved with the Council in a competitive tendering or other procurement process.
 - From applicants for planning permission and other applications for licences, consents and approvals in which the Council has an involvement.
 - From applicants for grants, including voluntary bodies and other organisations applying for public funding from the Council.
 - From applicants for benefits, claims and dispensations.
 - From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe that it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- Cash or monetary gifts should always be refused without exception and their refusal notified to the Monitoring Officer.

6. Gifts Received and Donated to the Mayor's Charities

- 6.1 Sometimes the refusal of a small gift may cause offence or it may be impractical to return them. If the provider is not seeking business with or a decision from the Council, in such circumstances Members should pass them to the Mayor's Secretary for use in relation to the Mayor's Charities e.g. as a prize in a fundraising raffle.
- 6.2 Members who do this should indicate this intention to the provider. If the gift is worth £100.00 or more this will still need to be registered on the Register of Interests and made clear that it has been donated to the Mayor's Charities.

7. ~~Gifts~~ and the to-the Mayor

- 7.1 There are no special legislative rules for those who serve as Mayor. However, there is a Mayor's Handbook of good practice for the Mayor to follow. Under this Handbook, all gifts to the office of Mayor should be recorded, for example, a commemorative goblet which is kept on display in the authority's offices, does not need to be registered in the member's Register of Gifts and Hospitality.

Any gifts to the Mayor as an individual councillor must be recorded on their register of interests.

~~Gifts that are made to the authority, eg a commemorative goblet which is kept on display in the authority's offices, do not need to be registered in the member's Register of Gifts and Hospitality. However, such gifts ought to be recorded by the authority for audit purposes.~~

Hospitality and the Mayor

7.2 If the Mayor attends an event and receives hospitality in the capacity as office holder as Mayor they do not need to record the hospitality on the register.

If the Mayor attends an event and receives hospitality as an individual councillor, they would have to declare the hospitality on their register of interests if it reached the required threshold.

~~Although the Mayor may attend many social functions, they are not exempt from the requirement to register hospitality. Where the gift or hospitality is extended to the office holder for the time being rather than the individual the Standards Board takes the view that there is no requirement under the Code to register the hospitality. The question a member needs to ask is "would I have received this hospitality even if I were not the Mayor". If the answer is yes, then the hospitality must be registered.~~

8. Reporting of Inappropriate Gifts and Hospitality offered

8.1 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

8.2 It is a criminal offence for you to accept any gift, loan, fee, reward or advantage as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to seven years' imprisonment.

~~8.3 Acceptance of a gift or hospitality in breach of the Code of Conduct or failure to declare the receipt can lead to disqualification from holding any public office for a period of up to five years.~~

9. Meaning of Gifts and Hospitality

9.1 The terms 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. However they may include:

- the free gift of any goods or services;

- the opportunity to acquire any goods or services at a discount or at terms not available to the general public;
- the opportunity to obtain goods or services not available to the general public;
- the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event;
- common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets;
- hospitality from private companies eg. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or hope to in the future.

10. Breaches of this Protocol

- 10.1 Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer who may refer it to [Governance, Audit, Risk Management and the Standards Committee](#).