



London Borough of Harrow

Constitution

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London Borough of Harrow

The Constitution

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Harrow Constitution Index

Doc Nr.	Part	Title	Revised¹
001		Index	May 2022
002	Part 1	Summary and Explanation	May 2022
003	Part 2	Articles (title and contents page)	no date
005	01	The Constitution	May 2022
006	02	Members and the Council	May 2022
008	03	The Full Council	May 2022
009	04	The Mayor	May 2022
011	06	The Executive	May 2022
017	07	Decision Making	May 2022
021	Part 3	Allocation of Responsibility (Title Page)	no date
022	3A	Terms of Reference - General Index	May 2023
023	3A	Terms of Reference	May 2023
024A	3A-1	Appendix - Schedule 1 to Functions and Responsibilities Regulations	May 2022
025	3B	Delegations to Officers	May 2023
026	Part 4	Rules of Procedure (Title Page)	n/a
027		Rules of Procedure Contents (Standing Orders)	n/a
028	4A	Council Procedure Rules	Feb 2023
028A	4A-1	Appendix Petitions Scheme	May 2022
029	4B	Committee Procedure Rules	Feb 2023
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030	4C	Budget and Policy Rules	May 2022
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034	4G	Access to Information	May 2022
035	4H	Officer Employment	July 2019
036	4I	Contract Procedure Rules	May 2023
037	4J	Miscellaneous Procedure Rules	May 2006
038	4K	Financial Regulations	May 2023
039	Part 5	Codes and Protocols (Title & Contents)	no date
040	5A	Code of Conduct for Councillors	Dec 2022
041	5B	Code of Conduct for Council Employees	May 2022
042	5C	Code of Conduct for Member-Officer Relations	Nov 2023
043	5D	Code of Practice on Local Government Publicity	Nov 2023
044	5E	Planning Protocol	Feb 2018
045	5F	Corporate Anti-Fraud Policy	Feb 2017
046	5G	Confidentiality of Part 2 Reports	July 2007
047	5H	Protocol on Co-optees and Advisors	Sep 2015

¹ Reflects date of substantive amendments, but not minor consequential amendments or corrections

Doc Nr.	Part	Title	Revised¹
048	5I	Members' Access to Information	Nov 2023
049	5J	Gifts and Hospitality – Members' Protocol	Nov 2023
050	5K	Code on Corporate Governance	Feb 2014
051	5L	Anti-Money Laundering Policy	Aug 2018
051A	5M	Social Media Protocol	Nov 2011
051B	5N	Cabinet Decisions Protocol Now included elsewhere in Constitution	
051C	5O	Protocol for Public reporting on Meetings	Nov 2023
051D	5P	Protocol on the Recording of Decisions made by Officers	Feb 2018
052	Part 6	Members Allowance - Title Page	n/a
053		Members Allowances Scheme	May 2023
054	Part 7	Glossary Title Page	n/a
055		Constitution Glossary	Feb 2014

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Constitution of the Council of the London Borough of Harrow

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Part 1

Summary and Explanation

Part I

Summary and Explanation

The Council's Constitution

The Council of the London Borough of Harrow has agreed a Constitution, which sets out how the Council operates, how decisions are made, and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to decide.

The Constitution is divided into seven articles, which set out the basic rules governing the Council's business. More detailed procedures, codes of practice and protocols are provided in later sections of the Constitution.

How the Council operates

The Council is composed of 55 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year.

The Council appoints the Overview and Scrutiny Committee, which has the role of checking the actions of the Executive in delivering services and helping the Executive to develop plans and policies.

Members of the public can present petitions and ask questions at meetings of the Council.

How decisions are made

The Executive is the part of the Council, which is responsible for most day to day decisions. The Executive is made up of the Leader and between two and nine other councillors appointed by the Council, this group is also known as the Cabinet.

When major decisions are to be discussed or made, they must be published in the Council's Forward Plan in so far as they can be anticipated. This Forward Plan will be regularly updated and is available to the public so they can monitor all the important decisions made by the Executive. When these major decisions are to be discussed at a meeting of the Executive (or Cabinet), these meetings will be open to the public to attend, except where personal or confidential matters are to be discussed.

The Executive has to make decisions, which are in line with the Council's overall policies and budget. If it wishes to make a decision, which is outside the budget or policy framework, this must be referred to the Council as a whole to decide (unless the matter is so urgent that special arrangements have to apply).

Overview and Scrutiny

The Council has an Overview and Scrutiny Committee, which in turn appoints Scrutiny sub-committees, which support the work of the Executive and the Council as a whole.

The Overview and Scrutiny Committee and Scrutiny sub-committees play a role in the formulation of the policies and strategies of the Council and in the setting of the budget. They can be consulted by the Executive or the Council on forthcoming decisions and the development of policy. They can scrutinise areas of the Council's work before or after decisions are made.

They can also monitor the decisions of the Executive and have a power to "call-in" decisions of the Executive where they have yet to be implemented. When an Executive decision is "called-in" the Executive can be asked to reconsider its decision. However, the Overview and Scrutiny Committee cannot overrule the Executive.

Other Committees

Further information on other committees can be found in Part 3 of this Constitution.

The Council's Staff

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day to day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources

wisely. A Protocol included in Part 5 of the Constitution governs the relationship between officers and Members of the Council (Councillors).

Citizens' Rights

Citizens* have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific council services, for example, as a parent of a school pupil or as a council tenant, they have additional rights. These rights are not covered specifically in the Constitution. The local Citizens' Advice Bureau can advise on individuals' legal rights.

The Council welcomes participation by citizens in its work.

Further information on how to attend and participate at meetings can be found on the Authority's web site at: www.harrow.gov.uk

- * For the purposes of this Constitution, the term Citizens includes (where appropriate) those people who study, work or have businesses in Harrow.

Part 2

Articles of the Constitution

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Part 2

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Article 1

The Constitution

Introduction

This Article sets out the fundamental provisions of the Constitution. It confirms that the Authority will act within the law and the provisions of this Constitution, and also that the Authority will monitor and review its Constitution. It also provides for methods of changing the constitution, and for its publication.

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Council of the London Borough of Harrow.

1.3 Purpose of the Constitution

The Council's aim is:

To deliver high quality, cost effective services through a partnership with all stakeholders and the community in general.

To govern within a framework of fairness, openness, integrity and accountability.

The purpose and principles outlined in the Constitution seek to:

- enable the Council to provide clear leadership to the community;
- work in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision makers to public account;
- provide excellent standards of ethics and probity in decision making;
- ensure that those responsible for decision making are clearly identifiable to local people;
- explain the reasons for decisions; and

- provide a means of improving the delivery of services to the community.

1.4 Interpretation of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the above purposes.

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in this Article.

1.5 Review and Amendment of the Constitution

The Council will monitor and evaluate the operation of the Constitution and will amend it as appropriate.

Where changes must be approved by full Council, the Monitoring Officer, having first consulted with the Leader of the political groups or their nominees, may present a report direct to Council proposing changes to the Constitution. Subject to any statutory requirements, the Codes and Protocols and other documents in Part 5 of the Constitution may be amended by the body that created them without Council approval except for the Code of Conduct for Members which is reserved to Council.

1.6 Publication

The constitution is published on the Council's website and updated when amendments are made.

1.7 Change from a Leader and Executive form of governance to alternative arrangements, or vice versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change in the form of governance and shall comply with any statutory requirements in relation to such changes.

1.8 Suspension of the Constitution

The Articles of this Constitution may not be suspended. Other Rules and Protocols may be suspended by the body to which they apply (or if no such body by the Council) to the extent permitted within those Rules, and Protocols and the law.

Article 2

Members and the Council

Introduction

This Article sets out how Councillors are elected.

It also includes a statement on the roles and functions of Members of the Council and sets out the rights and duties of Councillors.

2.1 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in May 2002. The terms of office of Councillors will start on the fourth day after being elected and except for the Leader and Mayor will finish on the fourth day after the date of the next regular election unless they are re-elected.

2.2 Roles and Functions of Councillors

(a) Key Roles

All Councillors will:

- (i) collectively be the ultimate policy and decision makers;
- (ii) contribute to the good governance of the Council;
- (iii) represent their communities' interests (both individuals and local groups) and bring their views into the Council's decision-making process;
- (iv) actively encourage community participation and citizen involvement in decision making;
- (v) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (vi) balance and effectively represent the interests of their ward and of individual constituents;
- (vii) (for Councillors who are not part of the Executive) scrutinise proposals and decisions and monitor how Council policy is being implemented;
- (viii) be available to represent the Council on other bodies;

- (ix) promote equality and diversity in the Council's policies and practices;
- (x) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information, which is confidential or exempt, without the consent of the Council.
- (iii) Councillors will not divulge information given in confidence, to anyone other than a Councillor or officer entitled to know it.
- (iv) For these purposes, "confidential " and "exempt" information is defined in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (v) Councillors will be given reasonable professional advice and support from officers of the Council in their work as Councillors.
- (vi) When the Council considers it to be in its interests to appoint Councillors to outside bodies, the Council will consider giving an indemnity to the Councillors in so far as legally permissible against costs incurred while acting in good faith. Councillors will be given reasonable advice, guidance and support from officers of the Council on the responsibilities they take on as a result of representing the Council on outside bodies.
- (vii) Training will be given to Councillors to support them in their duties as Councillors.

2.3 Disclosure and Barring Service

The following posts require a Disclosure and Barring Service Check:

- Portfolio Holder for Young People and Schools
- Portfolio Holder for Schools
- Portfolio Holder for Adults and Public Health
- Scrutiny Leads for People Children
- Scrutiny Leads for Adults
- Corporate Parenting Panel Members
- Adoption Panel
- Fostering Panel
- Secure Accommodation Panel Members
- Social Services Appeals Panel Members

- School Placement Panel Members
- Children and Young People's Partnership Members
- Safeguarding Children Board
- Adults Safeguarding Adults Board
- Elected Councillors (Members) nominated for the position of/appointed as a Local Authority Governor.

Article 3

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.

3.1 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 (as amended):
 - Community Safety Plan
 - Gambling Policy
 - Licensing Policy
 - Local Implementation Plan
 - Plans and strategies which together comprise the Development Plan
 - Youth Justice Plan
- (ii) Further Plans, which the Council considers, should or legislation requires to be subject to Council approval:
 - Council's Corporate Plan
 - Corporate Equalities Objectives
 - Licensing Authority Policy Statement
 - Corporate Parenting Strategy

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax including decisions relating to the control of the Council's borrowing requirement, the determination and control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval to a programme of disposal of 500 or more Council properties under the Leasehold Reform, Housing and Urban Development Act 1993, or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

3.2 Functions of the full Council

The functions of full Council are set out in Part 3A of the constitution.

Article 4

The Mayor

Introduction

This Article describes the appointment and role of the Mayor

4.1 Appointment of the Mayor and Deputy Mayor

The Mayor will be appointed annually by the Council from amongst the Councillors. The Deputy Mayor will be appointed by the Mayor annually from amongst the Councillors and this will be noted by Council.

Neither the Mayor nor Deputy Mayor can be a member of the Executive.

The Deputy Mayor may stand-in for the Mayor in respect of all the roles and functions in paragraphs 5.2 and 5.3 whenever the Mayor is unable to act (for example, due to an overlap of events). If the Deputy Mayor is also unavailable to perform a role or function in paragraph 5.2, it shall be open for the Mayor to request a former Mayor of the Borough, still serving as an elected Councillor, to act in his or her place for that particular occasion.

4.2 Ceremonial

- (i) The Mayor shall be the First Citizen of the Borough;
- (ii) The Mayor will promote the Council as a whole and act as a focal point for the community;
- (iii) The Mayor will preside over civic functions;
- (iv) The Mayor will carry out ceremonial duties on behalf of the Authority. He/she will be a symbol of the Authority and of an open society and will perform his/her duties in a manner that develops and reinforces the social cohesion of the Borough;
- (v) The Mayor will promote local charitable and voluntary causes where they benefit the people of Harrow;
- (vi) The Mayor will also personally select a local charity or charities and raise funds specifically for it or them during his or her year of office;
- (vii) The Mayor will promote citizenship and participation;

- (viii) The Mayor will act as a non-partisan ambassador of the Council at notable events, for example, in meeting and greeting international delegations;
- (ix) The Mayor will put forward local people who are deemed to be deserving for national awards and honours (for example, local people who have made a unique or exceptional contribution to the Borough in a voluntary capacity);
- (x) The Mayor will lead the Council's support and activities for Remembrance Sunday and other similar locally marked national events.

4.3 Chairing meetings of the Council

The Mayor will have the following responsibilities:

- (i) to uphold and promote the purposes of the Constitution, and to interpret it when necessary;
- (ii) to preside over meetings of the Council, so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Executive are able to hold the Executive Members to account;
- (iv) to promote public involvement in the Council's activities;
- (v) such other duties that may fall to the Mayor to exercise by virtue of statute or this Constitution.

In the absence of the Mayor, the Deputy Mayor will chair meetings of the Council with the agreement of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council will, as a first item of business, appoint one of its Members to chair the meeting.

Article 5

The Executive

The Council will appoint the Leader of the Council. The Leader will determine the size and membership of the Executive, will appoint Members to the Executive and appoint one of those Members as the Deputy Leader. When determining the allocation of responsibilities (see Part 3 of the Constitution) the Leader will also determine any delegations to individual Members (of the Executive) who will be known as Portfolio Holders.

The Executive will consist of the Executive Leader together with at least two but not more than nine other Councillors.

The Terms of Reference set out the Executive's functions. The Rules of Procedure set out and determine how the Executive will operate and include arrangements for meetings, individual decision-making, and the Allocation of Responsibilities.

There may be no co-optees, deputies nor substitution of Executive Members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive. Members of the Executive may not be Members of the Overview or Scrutiny Committee or one of its sub-committees.

Assistants to portfolio holders may be appointed by the Executive. Assistants will not be members of the Executive and will be unable to exercise any of the delegated powers of the portfolio holder. Assistants will be members of the Council.

Part 3A of the Constitution includes a full description of the responsibilities of portfolio holders.

Article 6

Decision-making

Introduction

This Article provides for the recording of decisions of the Council and the Executive and the principles governing those decisions

6.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or which individual has the responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Allocation of Responsibilities in Part 3 of the Constitution.

6.2 Principles of decision-making

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

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- a recording of options considered and rejected.

6.3 Type of Decision

(a) Decisions reserved to full Council

Decisions relating to the functions listed in Part 3B will be made by the full Council and may not be delegated.

(b) Key Decisions

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.

Decision takers may only take key decisions in accordance with the requirements of Rule 23 of the Executive Procedure Rules set out in Part 4 of this Constitution.

6.4 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining or considering (other than for the purposes of giving advice) the civil rights or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights in addition to the procedural rules of that body.

Article 7

Officers

Introduction

This Article describes the management structure of the Authority and the responsibilities of the statutory and chief officers

‘Officers’ means all employees and staff engaged by the council to carry out its functions. Those engaged under short term, agency or other non-employed situations as well as those employed on a permanent basis are covered.

7.1 Management Structure

(a) General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Head of Paid Service	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Specific responsibility for Planning and Regeneration.</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council’s officers in the performance of their duties in accordance with the requirements of the Code of Conduct for Council Employees set out in Section 5B of the Constitution.</p>

Post	Functions and areas of responsibility
Corporate Director People	Education and Commissioning Services, Children and Young People Services, Harrow Schools Improvement Partnership, Special Needs Services, Adults Services, Public Health & Health Integration
Corporate Director Place	Housing, Environmental Health & Licensing, Public Protection, Corporate Estate Management & Development, Facilities Management, Property Repair & Maintenance, Highways Maintenance and Engineering, Traffic, Transport & Parking Management. Environmental compliance and enforcement, Public Realm Services, Waste Management, Arts & Events. Library & Cultural Services, Sports, Leisure & Recreation
Corporate Director Resources	Customer Services & IT, Revenues & Benefits, Business Support, Finance, Insurance, Audit & Fraud, HR and Organisational Development, Legal & Governance Services, Strategic Commissioning, Communications, Commercial & Procurement

(c) Statutory Officers

The Council will designate the following posts as shown:

Post	Designation
Head of Paid Service	Head of Paid Service
Director of Finance	Chief Financial Officer (Section 151 Officer)
Corporate Director, People	Director of Children's Services
Director of Adult Social Services	Director of Adult Social Services
Director of Legal and Governance Services	Monitoring Officer
Head of Policy	Scrutiny Officer
Director of Public Health	Director of Public Health

Such posts will have the functions described in Section 3B of the Constitution.

(d) Departmental Structure

The Head of Paid Service will determine and publish a description of the overall departmental structure for the Council. This will outline the management structure and the deployment of officers.

(e) Delegations

Some decisions are made by officers under approved delegated powers. A list of all the functions delegated to chief officers is included in Part 3B of this Constitution.

7.2 Functions of the Head of Paid Service

(a) Discharge of functions by the Council

The Head of Paid Service will report to the full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

7.3 Functions of Monitoring Officer

(c) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

(d) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Executive in relation to an executive function, if he/she considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(e) Supporting the Governance, Audit, Risk Management and Standards Committee in respect of standards and advising on the Code of Conduct

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance,

Audit, Risk Management and Standards Committee. They will also provide advice to Members of the Council and act as the proper officer to receive complaints of failure to comply with the Code of Conduct. They will also make decisions about complaints as set out in the delegations under Part 3B.

(f) Proper officer for access to information

The Monitoring Officer is the 'proper officer' for this purpose, and will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) Advising whether Executive decisions are within the budget and policy framework

Where necessary, the Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(h) Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and framework issues to all Councillors.

(i) Register of Member's financial and other interests

The Monitoring Officer will establish and maintain a register of Members' interests and gifts and hospitality. These registers will be open to public inspection at all reasonable times.

(j) Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

7.4 Functions of the Chief Finance Officer

(a) Ensuring lawfulness and financial prudence in decision making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to:

- the full Council; or
- to the Executive in relation to an Executive function; and
- to Council's external auditor

if he or she considers that any proposal, decision or course of action will:

- involve incurring unlawful expenditure; or
- is unlawful and is likely to cause a loss or deficiency; or
- if the Council is about to enter an item of account unlawfully.

(b) Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to corporate management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

7.5 Functions of the Director of Children's Services

(a) Local education authority

The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority in their capacity as a local education authority

(b) Social Services (relating to children)

The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority, which are social services functions so far as those functions relate to children.

(c) Looked after children

The Director of Children's Services will have responsibility for functions in relation to children looked after by the authority under section 23C to 24D of the Children Act 1989.

(d) Improving well-being

The Director of Children's Services will have responsibility for making arrangements with a view to improving the well-being of children in the authority's area.

(e) Safeguarding and Welfare

The Director of Children's Services will have responsibility for safeguarding and promoting the welfare of children.

(f) Establishing Information Databases

The Director of Children's Services will establish and maintain information databases in relation to the well-being and safeguarding of children.

(g) Preparation and Publication Children's and young people's plan

The Director of Children's Services will prepare and publish a Children's and young people's plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

(h) Functions on behalf of an NHS Body

The Director of Children's Services will have responsibility for function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.

(i) Any other function

The Director of Children's Services will have responsibility any additional functions, as the authority considers appropriate.

7.6 Functions of the Director of Adult Social Services

Discharge of Functions by the Council

The Director of Adult Social Services will have responsibility for all functions social services functions (other than those for which the Director of Children's Services is responsible) in accordance with Section 6 of the Local Authority Social Services Act 1970 (as amended) by the Children Act 2004.

7.7 Functions of the Scrutiny Officer

Promotion of Overview and Scrutiny

- (a) The Scrutiny Officer will promote the role of the Overview and Scrutiny Committee and its sub-committees.

Support to the Overview and Scrutiny Committee

- (b) The Scrutiny Officer will provide support to the Overview and Scrutiny committee and sub-committees and their members.

Support and guidance to Members and officers

- (c) The Scrutiny Officer will provide support and guidance to Members and officers in relation to the functions of the Overview and Scrutiny Committee and its sub-committees.

7.8 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and resources that, in their opinion, are sufficient to allow their duties to be performed.

7.9 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Councillor - Officer Relations set out in Part 5 of this Constitution.

7.10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Part 3

Allocation of Responsibilities

Part 3

Allocation of Responsibilities

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Part 3A

Terms of Reference of Council, the Cabinet, Portfolio Holders, Committees and Sub-Committees of the Council, Advisory Panels of the Cabinet and Consultative Forums

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Matters reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council

Council

The Full Council

1. **Only the full Council can exercise the following functions:**
 - (a) adopting and changing the Constitution;
 - (b) approving or adopting the policy framework and the budget, including setting Council tax;
 - (c) approving the statement of accounts;
 - (d) approving any application to the Secretary of State in respect of any Housing Land Transfer;
 - (e) appointment of the Mayor;
 - (g) approving annually the Allocation of Responsibilities in Part 3 of the Constitution;
 - (h) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any Executive functions which are contrary to the policy framework or contrary to or not wholly in accordance with the budget where these have been referred to the Council by the Call In sub-committee;
 - (i) agreeing and/or amending the terms of reference for the Committees of the Council, deciding on their composition and making appointments to them;
 - (j) adopting the Scheme of Members' Allowances set out in Part 6 of the Constitution;
 - (k) appointing the Independent Persons under s.27(7) of the Localism Act;
 - (l) conferring the title of honorary alderman or freedom of the borough;
 - (m) confirming the appointment of the Head of Paid Service or the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer;
 - (n) to confirm the dismissal of the Head of Paid Service;

- (o) deciding whether to reject or uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel;
- (p) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;
- (q) to determine the meaning of "significant" in relation to "key" decisions (Article 6 refers);
- (r) deciding whether to make a delegation of a non-Executive function or accept a delegation of a non-Executive function from another Authority;
- (s) to receive reports and consider recommendations from the Executive, Scrutiny, Governance, Audit, Risk Management and Standards and other Committees as appropriate; and
- (t) making appointments and nominations of Members to outside bodies; and
- (u) all other matters which by law must be reserved to Council.

Note: The items referred to in Schedule 3A -1 in this part of the Constitution may not be the responsibility of the Executive and will be discharged by the Council, one of its Committees or an officer.

Committees / Sub-Committees of the Council

Appeals Committee

Governance, Audit, Risk Management and Standards Committee

Health and Wellbeing Board

Independent Panel

Licensing and General Purposes Committee

Chief Officers' Employment Panel

Licensing Panel

Personnel Appeals Panel

Social Services Appeals Panel

Overview and Scrutiny Committee

Call-In Sub-Committee

Call-in Sub-Committee (Education)

Health and Social Care Scrutiny Sub-Committee

Performance & Finance Sub-Committee

Pension Board

Pension Fund Committee

Planning Committee

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.

Governance, Audit, Risk Management and Standards Committee

1. Statement of purpose

- 1.1 The Governance, Audit, Risk Management and Standards Committee is a key component of Harrow Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 1.2 The purpose of the committee is to provide independent assurance to the members of the adequacy of Harrow Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. It also acts as the Standards Committee.
- 1.3 The Governance, Audit, Risk Management and Standards Committee has the following powers and duties:

2. Governance

- 2.1 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- 2.2 To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances and legal and financial advice, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 2.3 To monitor the progress of agreed actions to close significant governance gaps.
- 2.4 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 2.5 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

2.6 To review the governance and assurance arrangements for significant partnerships.

3. Risk Management

3.1 To review the Council's risk management strategy.

3.2 To monitor the effective development and operation of risk management in the council via the review of the Council's Corporate Risk Register on a regular basis.

3.3 To monitor progress in addressing risk-related issues reported to the committee.

4. Countering Fraud and Corruption

4.1 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

4.2 To monitor the counter-fraud strategy, actions and resources and the Council's approach to tackling fraud and corruption and promote an anti-fraud culture.

4.3 To review and approve the annual Corporate Anti-Fraud Team Plan.

4.4 To consider reports from the Head of Internal Audit/ Corporate Anti-Fraud Manager on the Corporate Anti-Fraud Team's performance at mid-year and at year-end.

5. Internal audit

5.1 To approve the internal audit charter and support the independence of Internal Audit.

5.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

5.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

5.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.

5.5 To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.

5.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit.

- 5.7 To approve and periodically review safeguards to limit such impairments.
- 5.8 To consider reports from the Head of Internal Audit on internal audit's performance at mid-year and year-end, including the performance of external providers of internal audit services.¹
- 5.9 To consider Red and Red/Amber assurance reports and summaries of specific internal audit reports as requested.
- 5.10 To contribute to the Quality Assurance Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 5.11 To consider the report on the effectiveness of internal audit contained within the AGS.
- 5.12 To provide free and unfettered access to the GARMS Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.

6. External audit

- 6.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA).
- 6.2 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 6.3 To consider specific reports as agreed with the external auditor.
- 6.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 6.5 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

¹ These will include:

- a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
- b) annual report on the results of the internal audit Quality Assurance Improvement Programme (QAIP)
- c) statement of the level of conformance with the Public Sector Internal Audit Standards (PSIAS) and reports on instances where the internal audit function does not conform to the PSIAS, considering whether the non-conformance is significant enough that it must be included in the AGS.
- d) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- e) the level of management response to internal audit recommendations and progress on implementation of recommendations and to recommend action where internal audit recommendations are not being implemented.
- f) the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

- 6.6 To scrutinise/comment on the External Audit plan and fees.
- 6.7 To monitor progress against the External Audit plan and receive summaries of audit work completed and key recommendations.
- 6.8 To review the management response to external audit recommendations and progress on implementation of recommendations.
- 6.9 To recommend action where external audit recommendations are not being implemented.

7. Financial reporting

- 7.1 To review the annual statement of accounts prior to approval and satisfy themselves that appropriate steps have been taken to meet statutory and recommended professional practices. Specifically to:
- review the narrative report to ensure consistency with the statements and the financial challenges and risks facing the authority in the future
 - review whether the narrative report is readable and understandable by a lay person
 - review the key messages from each of the financial statements and evaluating what that means for the authority in future years
 - monitor trends and review for consistency with what is known about financial performance over the course of the year
 - review the suitability of accounting policies and treatments
 - seek explanations for changes in accounting policies and treatments
 - review major judgemental areas, eg provisions or reserves
 - seek assurances that preparations are in place to facilitate the external audit.
- 7.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

8. Treasury Management

- 8.1 To review the Treasury Management strategy and monitor progress on treasury management in accordance with CIPFA codes of practice.

9. Health & Safety

- 9.1 To review the Council's Health and Safety arrangements and oversee progress on Health and Safety.

10. Accountability arrangements

- 10.1 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control

frameworks, financial reporting arrangements, and internal and external audit functions.

10.2 To report to full council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

10.3 To publish an annual report on the work of the committee.

11. Standards

11.1 Promoting and maintaining high standards of conduct by Councillors, co-opted members and "church" and parent governor representatives.

11.2 Assisting Councillors, co-opted members and "church" and parent governor representatives to observe the Members' Code of Conduct.

11.3 Advising the Council on the adoption or revision of the Members' Code of Conduct.

11.4 Monitoring the operation of the Members' Code of Conduct.

11.5 Developing and recommending local protocols to the Council to supplement the Members' Code of Conduct.

11.6 Enforcing local protocols and applying sanctions in respect of breaches as appropriate.

11.7 Advising, training or arranging to train Councillors, co-opted members and "church" and parent governor representatives on matters relating to the Members' Code of Conduct.

11.8 Granting dispensations to Councillors, co-opted members and "church" and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.

11.9 To keep under review and amend, as appropriate, the Protocol on Councillor/Officer Relations.

11.10 To keep under review the Officer Code of Conduct and, after consultation with unions representing staff, make recommendations to Council for amendment or addition.

11.12 To receive reports and keep a general overview of probity matters arising from ombudsman investigations, Monitoring Officer reports, reports of the Chief Financial Officer and Audit Commission.

11.13 To have oversight of the Council's Whistleblowing Policy.

11.14 To agree the policy for decisions on payments to those adversely affected by Council maladministration (under section 92 Local Government Act 2000).

- 11.15 To establish sub-committees and working groups to deal with complaints that a member or a co-opted member has failed to comply with the Council's Code of Conduct.
- 11.16 To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- 11.17 Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.
- 11.18 On referral from the Monitoring Officer, to decide whether to take action against a member for breach of the Code of Conduct and if so, to decide what action should be taken.

12. Membership rules

- 12.1 An Elected Mayor, the Leader or a member of the Executive may not be Members;
- 12.2 The Chair of the Committee must not be a Member of the Executive;
- 12.3 The appointment of co-opted/independent members can be considered;
- 12.4 The Independent Persons are not members of GARMS and shall be invited to meetings only if there is a Standards item on the agenda.

Health and Wellbeing Board

1. Accountability

The Health and Wellbeing Board is set up in accordance with section 194 of the Health and Social Care Act 2012 which makes provision for the Council to establish a Health and Wellbeing Board as a Committee of the Council appointed under section 102 of the Local Government Act 1972. The Council can choose to delegate decision making powers to the Health and Wellbeing Board.

Members of the Board will be required to abide by the Code of Conduct.

2. Purpose of the Board

2.1. The Health and Wellbeing Board has 3 main functions:

- to assess the needs of the local population and lead the statutory joint strategic needs assessment

- to promote integration and partnership across areas, including through promoting joined up commissioning plans across NHS, social care and public health
- to support joint commissioning and pooled arrangements, where all parties agree this makes sense

The Board covers both adult and children's issues.

- 2.2. The purpose of the Board is to improve health and wellbeing for the residents of Harrow and reduce inequalities in outcomes. The Board will hold partner agencies to account for delivering improvements to the provision of health, adult and children's services social care and housing services.
- 2.3. Scrutiny of the Board's activities will be performed by the Council's Health Scrutiny Committee.

3. Key Responsibilities

- 3.1. The key responsibilities of the Health and Wellbeing Board shall be:
 - 3.1.1. To agree health and wellbeing priorities for Harrow
 - 3.1.2. To develop the joint strategic needs assessment
 - 3.1.3. To develop a joint health and wellbeing strategy
 - 3.1.4. To promote joint commissioning
 - 3.1.5. To ensure that Harrow Council and the Integrated Care Board's commissioning plans have had sufficient regard to the Joint Health and Wellbeing strategy
 - 3.1.6. To consider how to best use the totality of resources available for health and wellbeing, subject to the governance processes of the respective partner organisations as appropriate.
 - 3.1.7. To oversee the quality of commissioned health services
 - 3.1.8. To provide a forum for public accountability of NHS, public health, social care and other health and wellbeing services
 - 3.1.9. To monitor the outcomes of the public health framework, social care framework and NHS framework introduced from April 2013)
 - 3.1.10. To authorise Harrow's Integrated Care Board's annual assessment
 - 3.1.11. To produce a Pharmaceutical Needs Assessment and revise every three years

3.1.12. Undertake additional responsibilities as delegated by the local authority or the Integrated Care Board e.g. considering wider health determinants such as housing, or be the vehicle for lead commissioning of learning disabilities services.

4. Membership

- 4.1. The Chair of the Board will be nominated by the Leader of Harrow Council; or a nominated deputy.
- 4.2. The voting membership will be:
- Members of the Council nominated by the Leader of the Council
 - Chair of the Harrow Integrated Care Board (vice chair)
 - Representatives of each Harrow Integrated Care Board in Harrow
 - Integrated Care Board Accountable Officer or nominee
 - Representative of Healthwatch Harrow
 - Representatives of the NHS
- 4.3. The following Advisors will be non-voting members:
- Director of Public Health
 - Chief Officer, Voluntary and Community Sector
 - Senior Officer of Harrow Police
 - Chair of the Harrow Safeguarding Children and Adult Board
 - Chief Operating Officer – Integrated Care Board
 - Corporate Director, People
 - Director Adult Social Services
- 4.4. The voluntary and community sector representative shall be nominated by the Voluntary Community Sector Forum on an annual basis.
- 4.5. Board Members are appointed annually. Board Members shall each name a reserve who will have the authority to make decisions in the event that they are unable to attend a meeting.
- 4.6. Board members shall sign a register of attendance at each meeting and should not normally miss more than one meeting within a financial year.
- 4.7. A representative from the North West London Integrated Care Board will serve as the vice chair of the Health and Wellbeing Board.
- 4.8. Key providers in Harrow will be invited to attend meetings as required depending on the subject under discussion.
- 4.9. Other agencies and organisations will be invited as the Integrated Care Partnership (ICP) develops to enable good outcomes to be delivered for Harrow's citizens.

4.10. Participation of the NHS England

- 4.10.1. NHS England must appoint a representative to join Harrow's Health and Wellbeing Board for the purpose of participating in the Boards preparation of the JSNA and JHWS.
- 4.10.2. The Health and Wellbeing Board can request the participation of the NHS England representative when the Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of NHS England in relation to Harrow.

4.11. Meeting Frequency

- 4.11.1. The Board shall meet bi monthly subject to review
- 4.11.2. An extraordinary meeting will be called when the Chair considers this necessary and/or in the circumstances where the Chair receives a request in writing by 50% of the voting membership of the Board

4.12. Health and Wellbeing Board Executive

- 4.12.1. The purpose of the Health and Wellbeing Board Executive is to:
 - Develop and deliver a programme of work based on the Joint Commissioning priorities and the Joint Health and Wellbeing Strategy
 - Shape future years joint commissioning
 - Shape the agenda for future HWB meetings
 - Engage and understand the views of different organisations (including providers)
 - Bring together a collective view of partners and providers to the bi-monthly Health and Wellbeing Board
 - Share Commissioning Intentions and common priorities
 - Govern and quality assure the Health and Wellbeing Board work programme
 - Be aware and discuss emerging policy and strategy
 - Problem Solving
- 4.12.2. The meetings of the Executive will be scheduled to meet before the Board.
- 4.12.3. Membership will consist of senior officer representatives from both the Council and North West London Integrated Care Board, including the Directors of Adults, Children's, and Public Health services, GP Clinical Directors, and finance officers.

4.12.4. The chairing of the Executive will alternate between the council's Corporate Director of People Services and a representative of the North West London Integrated Care Board.

4.13. Local Safeguarding Boards

4.13.1. The Council's two Local Safeguarding Boards have a horizontal link to the Health and Wellbeing Board and include:

4.13.1.1. Local Safeguarding Adults Board

4.13.1.2. Harrow Local Children's Safeguarding Board

4.14. Conduct of Meetings

4.14.1. Meetings of the Board will be held in public except where the public are excluded from the meeting by resolution in accordance with Access to Information Act.

4.14.2. The quorum of the Board shall be 50% of the voting membership – however there must be attendance of at least one voting member from both the Council and the North West London Integrated Care Board. Should the quorum not be secured the meeting will not take place.

4.14.3. Decisions shall be made on the basis of a show of hands of a majority of voting members present. The Chair will have a second or casting vote.

4.14.4. Each meeting will have provision for the public to ask questions. There will be a total limit of 15 minutes for the asking and answering of public questions.

4.14.5. Harrow Council Democratic Services will service the meetings including the preparation and circulation of agenda and the production of minutes.

4.14.6. Minutes of the meetings will be available on the website of the council.

4.14.7. The Chair shall sign off the minutes as a true and accurate record of the meeting.

4.14.8. Agendas and supporting papers will be available on the website of the council at least five working days before the meeting.

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.

Licensing and General Purposes Committee

The powers and the duties of the Licensing and General Purposes Committee are:

- (a) To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (referred to in the Schedule 3A-1) to this document, are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;
- (b) To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) To keep under review and to determine the arrangements for the holding of elections and any referendums within the Borough and to initiate or respond to any proposals to the change of ward, constituency or Borough boundaries;
- (d) The determination of applications under the Council's Personal Injury Allowance Scheme.
- (e) To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:
 - All activities under the Licensing Act 2003
 - Food safety and control.
 - Animal health, welfare, safety and control.
 - Gaming, betting, lotteries and related amusements
 - Crime and disorder issues related to the above duties.

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, the Director of Children's Services, Director of Adult Social Services, Director of Public Health, excluding the dismissal of the Chief Financial Officer and Monitoring Officer;
- (c) to make recommendations to Council on the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer in cases of redundancy, permanent ill health or the expiry of a fixed term contract;
- (d) to consider 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;
- (g) to consider grievances by the Head of Paid Service, and appeals by a chief officer against decisions made by the Head of Paid Service in relation to a grievance made by the officer;
- (h) to approve remuneration packages of £100,000 or over for any Council post; and

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

Licensing Panel

The Licensing panel has the following powers and duties

- (i) To determine applications and to make Orders in respect of:
 - licences, permits, registrations and certificates;
 - Rights of way, footpaths and bridleways and the enjoyment of the highway;
 - Street naming and numbering;
 - Markets and fairs and other street trading;
 - Car park orders and variations;
 - Registration of common land, town greens and variations of rights of common;

where objections have been received.

- (ii) To determine applications and to make Orders in respect of:
 - Safety certificates for sports grounds;
 - Matters regarding film classification;
 - Rules and Regulations established by the authority;
 - Fees issues within the terms of reference of the Panel;
 - Applications under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982) as amended from time to time.
- (iii) Specific delegations under the Licensing Act 2003 as set out in the Licensing Policy, and the Statement of Principles under the Gambling Act 2005.
- (iv) In the case of alcohol control provisions in the Licensing Act 2003 to determine:

Applications for personal licences where:

- Representations have been made, but remain unresolved.
- Applicants have relevant unspent convictions.

Matters relating to the licensing, certification and authorisation at premises where:

- Representations have been made to an application, but remain unresolved.
- An application is made for the review of a premises licence or club premises certificate.
- Matters of an exceptional nature that in a licensing officer's opinion justify consideration by the Licensing Panel.

[Appeals against decisions of the Licensing Panel must be made to the Magistrates' Court.]

Personnel Appeals Panel

The Personnel Appeals Panel has the following powers and duties:

- To consider and decide upon appeals by employees against dismissals related to misconduct where there is provision for such an appeal in the procedure applicable to the employee.

Social Services Appeals Panel

The Social Services Appeals Panel has the following powers and duties:

- (a) To review in accordance with the Children (Secure Accommodation) Regulations 1991 the keeping of children in secure accommodation;
- (b) In accordance with the Mental Health Act 1983, to decide whether to discharge patients from guardianship;
- (c) In accordance with procedures and guidance given under the Children Act 1989 and the Local Authority Social Services and National Health Service Complaints (England) Regulations (the Complaints Regulations) as provided for in s.114 of the Health and Social Care (Community Health and Standards) Act 2003 and when requested to do so by a dissatisfied complainant, to review decisions made relating to complaints.

Note: Appeals Panels reviewing the keeping of a child in secure accommodation will be chaired by an Independent Person. Appeals hearing complaints under the Children Act 1989 and the National Health Service and Community Care Act 1990 will comprise 3 Independent Persons

Overview and Scrutiny Committee and Scrutiny Sub-Committees

General Role

Within their terms of reference, the Overview and Scrutiny Committee and Scrutiny Sub-Committees other than the Call-In Sub-Committees will have the following roles:

- (a) the strategic development of policy – by supporting the Council and Executive in developing the policy framework and budget for the Council and working with partner organisations on issues that may be outside the remit of the Council;

- (b) reviews of specific services – by making reports and/or recommendations to the full Council, Executive, Portfolio Holders and any Joint or Area Committees on any of their functions;
- (c) the review of policy and decisions developed by others – by reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- (d) the review of issues of concern to local people – by considering any matter affecting the area or its inhabitants and monitoring and scrutinising the activities of others;
- (e) consideration of the Forward Plan and scrutiny prior to key decisions being made, as appropriate;
- (f) scrutiny of decision making processes – by helping to draw up Protocols on how the Executive and Portfolio Holders should make decisions and then checking to see that these have been observed;
- (g) where relevant and appropriate, to receive selected monitoring reports carried out internally and externally on services.

The Call-In Sub-Committees may call in Executive decisions made but not yet implemented.

Specific Functions

(a) Policy development and review

The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

- (i) assist the Council, the Executive and Portfolio Holders in the development of the budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of the Executive, Advisory Panels and/or Committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

- (i) review and scrutinise the decisions made by, and performance of, the Executive, Portfolio Holders and/or Committees and Council officers both in relation to individual decisions and over longer periods of time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) require the attendance of and question Members and chief officers about their decisions and performance, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (v) where partnership working permits, review and scrutinise the performance of other public services in the area, by inviting reports from partners and requesting that they address the Overview and Scrutiny Committee and Scrutiny Sub-Committees about their activities and performance;
- (vi) question and gather evidence from any person (with their consent); and
- (vii) carry out the scrutiny of matters relating to the Health and Social Care including those matters delegated to the Health and Social Care Scrutiny Committee.

(c) Annual Report

The Overview and Scrutiny Committee will report annually to full Council on its workings and make recommendations for future work programmes and amend working methods, if appropriate.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee has the following power and duties:

1. To oversee an agreed work programme that can help secure service improvement through in-depth investigation of performance issues and the development of an effective strategy/policy framework for the council and partners;
2. To have general oversight of the council's scrutiny function;
3. To offer challenge and critical support to the Executive's policy development function and the long-term strategic direction of the borough;
4. To anticipate policy changes and determine their potential impact on residents and to recommend changes where these are appropriate;

5. To consider the council and partners' strategic approach to service delivery, using, where necessary, the power of overview and scrutiny committees to receive information from partner agencies and to require partner authorities to have regard to reports and recommendations from the Committee, as set out under Part Five of the Local Government and Public Involvement in Health Act 2007;
6. To undertake detailed investigation of service/financial performance in order to recommend policy changes to the Executive and to commission investigations by the Performance and Finance Sub-Committee;
7. To report scrutiny findings and recommendations to the Executive within 8 weeks of being published or to its next meeting, whichever is the sooner, in accordance with the council's constitution;
8. To review or scrutinise decisions made, or other action taken, in connection with the discharge of responsible authorities of their crime and disorder functions in accordance with s.19 of the Police and Justice Act 2006.
9. To consider items included in the Forward Plan;
10. To consider Councillor Call for Action in terms of
 - a. Local Government Matters (9FC of the Local Government act 2000)
 - b. Local Crime & Disorder Matters (Section 19, Police & Justice Act 2006)
11. To discharge the functions conferred by Section 244 (2ZE) of the National Health Service Act 2006 as amended and Regulation 21 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny Regulations 2013) of reviewing and scrutinising, matters relating to the planning, provision and operation of health services in Harrow.
12. To respond to consultations from local health trusts, Department of Health and Social Care and any organisation which provides health services outside the local authority's area to inhabitants within it.
13. To review and make appropriate recommendations on an annual basis for the arrangements for processing applications for support from the voluntary sector, including grants, concessionary lettings, use of the community premises and other council premises, and discretionary rate relief.

Call-In Sub-Committee

The Call-In Sub-Committee has the following powers and duties:

- (a) to examine decisions of the Executive which are taken but not implemented, and which are 'called in' in accordance with the Committee Procedure Rules;
- (b) to refer matters called in to the decision taker with reasons and recommendations for changes;

- (c) to refer Executive decisions to full Council if they consider they are contrary to the policy framework or contrary to or not wholly in accordance with the budget.

Call-In Sub-Committee – Education

The Call-In Sub-Committee has the following powers and duties in relation to Education Matters:

- (a) to examine decisions of the Executive which are taken but not implemented, and which are ‘called in’ in accordance with the Committee Procedure Rules;
- (b) to refer matters called in to the decision taker with reasons and recommendations for changes;
- (c) to refer Executive decisions to full Council if they consider they are contrary to the policy framework or contrary to or not wholly in accordance with the budget

Health and Social Care Scrutiny Sub-Committee

The Health and Social Care Scrutiny Sub-Committee has the following powers and duties:

1. To be the key driver of the health and social care scrutiny programme and maintain relationships with health and social care colleagues and partners in relation to shared stated priorities, in consultation with the Overview & Scrutiny Committee.
2. To be responsible in accordance with Regulation 28 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 for scrutiny of the Council’s health functions other than the power under Regulation 23(9) to make referrals to the Secretary of State.
3. To recommend to Council that a referral be made to the Secretary of State under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.
4. To have specific responsibility for scrutiny of the following functions:
 - Health and social care infrastructure and service
 - NHS England, Clinical Commissioning Groups (CCGs) and the Health and Wellbeing Board
 - Public Health
 - Other policy proposals which may have an impact on health, public health, social care and wellbeing
 - Collaborative working with health agencies
 - Commissioning and contracting health services

5. To review the planning, provision and operation of Health services in Harrow and ensure compliance with Regulation 21(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by inviting and taking account of information and reports from local health providers and other interested parties including the local HealthWatch.
6. Where a referral is made through the local HealthWatch arrangements, to comply with Regulation 21(3) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 by ensuring that the referral is acknowledged within 20 days and that the referrer is informed of any action taken.
7. Where appropriate, to consider and make recommendations for response to NHS consultations on proposed substantial developments/variations in health services that would affect the people of LB Harrow.
8. Where appropriate, to consider and make recommendations for response to consultations from local health trusts, Department of Health and Social Care.
9. Care Quality Commission and any organisation which provides health services outside the local authority's area to inhabitants within it.
10. Continue to seek the development of relationship with NHS England, CCGs, Health and Wellbeing Boards, Care Quality Commission, HealthWatch and the Local Medical Council.

(Note: Members of the Executive or members of the Health and Wellbeing Board may not be members of the Health and Social Care Scrutiny Sub Committee. Any health matter requiring an urgent decision/comment before the next meeting of the Health & Social Care Sub-Committee will be considered by the Overview and Scrutiny Committee if that is sooner).

Performance and Finance Sub-Committee

The Performance and Finance Sub-Committee has the following powers and duties:

1. To be the key driver of the scrutiny function's work programme and the body responsible for monitoring the performance of the council and partners in relation to their stated priorities;
2. To consider/monitor the financial and service performance of the Council;
3. To consider/monitor the performance of the council's partners;
4. To undertake specific investigation of identified 'hot spots' through Q&A, reports or challenge panels – subject to endorsement by the Overview and Scrutiny Committee;
5. To refer 'hot spots' to the Overview and Scrutiny Committee for more detailed investigation where necessary;

6. To consider such urgent items as are appropriate – ad hoc, Councillor Calls for Action, area scrutiny.

Pension Board

The Pension Board has the following powers and duties:

1. Role of the Board

The role of the Board, as defined by sections 5(1) and (2) of the Public Service Pensions Act 2013, is to assist the Administering Authority (London Borough of Harrow) as Scheme Manager in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including:

- securing compliance with the LGPS regulations and other legislation relating to the governance and administration of the LGPS;
- securing compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
- such other matters the LGPS regulations may specify.

The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility.

In its role, the Board has oversight of the administration of the fund including:

- a. The effectiveness of the decision making process
- b. The direction of the Fund and its overall objectives
- c. The level of transparency in the conduct of the Fund's activities
- d. The administration of benefits and contributions

The Board will provide the Scheme Manager with such information as it requires to ensure that any Member of the Board or person to be appointed to the Board does not have a conflict of interest.

The Board will ensure it effectively and efficiently complies with the Code of Practice on the Governance and Administration of Public Service Pension Schemes issued by the Pensions Regulator. It will help to ensure that the Fund is managed in the same way.

The Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

2. Membership

The Board shall consist of 5 members and be constituted as follows:

- (i) 2 Employer representatives – Administering Authority (1), other scheduled and admitted bodies [ie organisations other than the

Administering Authority who, under the regulations, can participate in the LGPS] (1);

- (ii) 2 Scheme Member representatives – active members (1), pensioners (1); and
- (iii) 1 independent member

Elected Members and officers involved in the management and administration of the Fund are not permitted to become Board members.

Only the Employer and Scheme Member representatives will have voting rights.

Each member of the Board will serve for a period of three years, subject to compliance with conditions of appointment. Members will be appointed on a rotational basis.

The Chair and Deputy Chair of the Board will be elected by the Board at its first meeting and will serve for a period of three years. Should the elected Chair be an Employer representative the Deputy Chair must be a Scheme Member representative and vice versa.

The Chair will ensure that meetings are properly conducted and the decision of the Chair on all points of procedure and order shall be final.

The Board may, with the approval of the Administering Authority, co-opt persons with sufficient skills and experience to advise and support them. Co-optees are not Board members and do not have voting rights.

Each Board Member should endeavour to attend all Board meetings during the year. In the event of consistent non-attendance by any Board Member the tenure of that membership should be reviewed by the other Board members in liaison with the Scheme Manager.

Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all other members and with the agreement of the Scheme Manager. Should any member of the Board cease to be a member of the relevant group for which they have been appointed they will automatically cease to be a member of the Board and the Administering Authority will conduct a replacement process.

3. **Appointment of Board members**

All Board members will be appointed by Full Council. It is a statutory requirement that the Administering Authority must be satisfied that a person to be appointed as an Employer or Scheme Member representative has the relevant experience and capacity to represent employers or scheme members (as appropriate)

- Administering Authority to nominate one Employer representative

- The second Employer representative to be nominated by the scheduled and admitted bodies. If more than one is nominated, Council will determine who is to be appointed.
- (i) Scheme Member representatives to be selected through a process administered by the Administering Authority with a recommendation to Council
- (ii) Independent member – applications to be invited by public advertisement with a recommendation by the s151 Officer to Council.

4. **Standards of conduct and conflicts of interest**

All members of the Board are expected to act in accordance with the Code of Conduct for Councillors where applicable and the Pensions Regulator's Code of Practice. In accordance with s5(5) Public Service Pension Act 2013, a Board member must not have a financial or other interest that could prejudice them in carrying out his/her Board duties. This does not include a financial or other interest arising merely by virtue of being a member of the LGPS.

The policy for identifying conflicts of interest is set out in a separate policy document.

5. **Knowledge and Skills**

Following appointment each member of the Board should be conversant with:

- The legislation and associated guidance of the LGPS
- Any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund

The Administering Authority will provide a training programme which all Board members will be required to attend.

It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them, properly, to exercise their functions as a Member of the Board and therefore, must comply with the Board's Knowledge and Understanding and Training Policy.

6. **Accountability**

The Board will collectively and individually be accountable to the Scheme Manager.

The Board will refer all relevant recommendations and decisions to the Pension Fund Committee of the Administering Authority and, where appropriate, to Full Council. It will present a report on its work to the Full Council once a year.

7. Quorum

A quorum will comprise three of the five members of which at least one shall be an Employer representative and one a Scheme Member representative.

8. Meetings

The Board shall meet at least twice a year but no more than four times.

The Chair of the Board, in consultation with the Administering Authority will prepare an agenda for each meeting of the Board. The administration of the Board will be in accordance with the normal procedures of the London Borough of Harrow.

An extraordinary meeting will be called when the Chair considers this necessary and/or in circumstances where the Chair receives a request in writing by 50% of the voting membership of the Board

9. Publication of Pension Board Information

The Administering Authority will publish up to date information on the Council's website including:

- The names of the Board member
- The Board's Terms of Reference
- Papers, agendas and minutes of Board meetings.

10. Advice to the Board

The Board will be supported in its role and responsibilities by the Administering Authority through advice and support as appropriate.

11. Expense Reimbursement

Each member of the Board and any co-opted persons, excluding elected Councillors of the London Borough of Harrow and Council Officers will be reimbursed at a rate of £445 per annum (exclusive of VAT if payable). All members of the Board and any co-opted persons will be paid "out-of-pocket" expenses when carrying out the functions of the Board including approved training.

12. Definitions

The undernoted terms shall have the following meaning when used in this document:

Administering Authority London Borough of Harrow

Board or Pension Board The local Pension Board for the London Borough of Harrow, Administering Authority for the London Borough of Harrow Pension Fund as required under the Public Service Pensions Act 2013

Administering Authority	London Borough of Harrow
Board Member	A member of the Board including Employer representatives, Scheme Member representatives and an independent member
Code of Practice	The Pensions Regulator's [draft] Code of Practice no 14 entitled "Governance and administration of public service pension schemes."
Conflicts of Interest	As defined in the Public Service Pensions Act 2013
Conflicts of Interest Policy	The policy on conflicts of interest as adopted by the Board
Employer Representative	A person appointed to the Board for the purpose of representing employers for the Scheme
Fund	The London Borough of Harrow Pension Fund within the Scheme administered and maintained by the Scheme Employer
Independent Member	A Member of the Board who is neither an Employer Representative nor a Member Representative
Knowledge and Understanding and Training Policy	The training policy as adopted by the Board
LGPS	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009.
Member Representative	A person appointed to the Board for the purpose of representing members of the Scheme
Scheme	The Local Government Pension Scheme
Scheme Manager	London Borough of Harrow as administering authority of the London Borough of Harrow Pension Fund

13. Interpretation

Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Scheme Manager.

[Note: The terms of reference approved by Council on 13 November 2014 were amended under delegated authority as a result of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 which removed the voting rights of the Independent Member.]

Pension Fund Committee

The Pension Fund Committee has the following powers and duties:

1. to exercise on behalf of the Council, all the powers and duties of the Council in relation to its functions as Administering Authority of the LB Harrow Pension Fund (the fund), save for those matters delegated to other Committees of the Council or to an Officer;
2. the determination of applications under the Local Government Superannuation Regulations and the Teachers' Superannuation Regulations;
3. to administer all matters concerning the Council's pension investments in accordance with the law and Council policy;
4. to establish a strategy for the disposition of the pension investment portfolio; and
5. to appoint and determine the investment managers' delegation of powers of management of the fund.

Planning Committee

The Planning Committee has the following powers and duties:

1. To exercise the functions of the council as local planning authority under the Town and Country Planning Act 1990 and other planning and subordinate legislation with the exception that:
 - a) the preparation, maintenance and updating of the Local Development Framework; and
 - b) the consideration of any policy matter concerning the planning of the Borough, including the development of major sites but not the determination of any planning application;shall be matters to be determined by the Executive.
2. To determine applications for certificates under section 17 of the Land Compensation Act 1961.

3. To consider and, if appropriate, serve Article 4 Directions removing permitted development rights in accordance with the Town and Country Planning General (Permitted Development) Order 1990.
4. To determine and enforce building regulations.
5. All other functions relating to town and country planning and development control as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

Other Statutory Committees

Standing Advisory Council for Religious Education

SACRE is established under section 390 of the Education Act 1996. It is not a formal committee of the Council. The terms of reference and membership are set out below. Under section 392(7) of the Act, SACRE may regulate its own proceedings and hence the Council's committee procedure rules do not apply to SACRE.

Terms of reference

- (1) As requested by the local authority or of its own volition, to advise the local authority on matters connected with:
 - a. religious worship in community schools or foundation schools which do not have a religious character, and
 - b. Religious education, in accordance with the Agreed Syllabus

The matters referred to above include, in particular, teaching methods, choice of materials and teacher training.
- (2) To deal with applications from schools for a determination on whether the statutory requirement for Christian collective worship should apply.
- (3) To determine the manner and form of applications under (2) above.
- (4) To convene from time to time an Agreed Syllabus Conference to review the agreed syllabus. The representative groups on SACRE, other than Group D, may at any time require a review of the agreed syllabus. Each of the three representative groups concerned shall have a single vote on the question of whether to require such a review.
- (5) To publish an annual report as to the exercise of their functions and any action taken by representative groups on the council under (4) above during the preceding year.

Membership

Group A – Representatives of Christian (excluding Church of England) and other religious denominations (22)

Group B – Representatives of the Church of England (3)

Group C – Representatives of Teachers (6)

Group D – Representatives of the Local Education Authority (3)

SACRE may also include co-opted members (that is, persons co-opted as members of SACRE by members of SACRE who have not themselves been so co-opted).

Any member who fails to attend three consecutive members of SACRE shall cease to be a member of the Council unless, at the third such meeting, SACRE approves the reason for non-attendance.

An adviser nominated by the Corporate Director, People Services shall also be invited to attend meetings of SACRE.

Terms of Reference and Delegation of Duties to the Cabinet, Portfolio Holders, Advisory Panels and Consultative Forums

The Leader may discharge any executive function or arrange for the discharge of any executive function:

- (1) by the cabinet,
- (2) by another member of the cabinet,
- (3) by a committee of the cabinet,
- (4) by an area committee, or
- (5) by an officer of the authority.

The sections below and the Officer Allocation of Responsibilities outline how the Leader has decided that those functions should be exercised.

Executive (Cabinet)

The Executive will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

The Cabinet will have responsibility for approving plans which are not the responsibility of Council and any other non-statutory plans that, from time to time, may be considered their responsibility.

The Cabinet is responsible for the following functions:

- (1) Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
- (2) Monitoring the implementation of the budget and financial strategy;
- (3) Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
- (4) Management of the Council's Capital Programme and Strategy;

All key decisions – namely:

- (5) an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates;
or

- (6) an executive decision which 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;
- (7) 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;
- (8) award of contracts over £500,000 and all matters reserved to the Executive under the Contract Procedure Rules;
- (9) virements between budgets as required by the Financial Regulations;
- (10) making all non-key decisions which are referred to the Executive by the relevant Portfolio Holder or Corporate Director;
- (11) determination of recommendations and references from the Council or any of its Committees or sub-committees and which the Cabinet considers are appropriate for collective decision;
- (12) approval of HRA Rents.

Cabinet Members' (Portfolio Holders) appointment and term of office

Other Executive Members shall be appointed to the Executive by the Leader and shall continue in their roles on the Executive until one of the following circumstances applies:

- (a) in the case of the Deputy Leader; the end of the term of office of the Leader
- (b) they resign from office; or
- (c) they are no longer Councillors; or
- (d) the Leader makes changes to the roles of Members of the Executive, or
- (e) they are removed from office by the Leader.

Vacancies in the Executive

If at any time a Member ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Leader until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.

In the event that all Members of the Executive are removed or have been disqualified from office, the Head of Paid Service shall, in the interim, carry out the Executive functions.

Temporary Absence of Leader or other Portfolio Holder

In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in the Leader's Scheme of Delegation and the Delegated Power of Portfolio Holders in the Appendix to the Executive Procedure Rules).

Special Provision to take urgent action in an election year

- (a) That following a Borough Election and until the day of the Annual Council Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of members on the Council;
- (b) That following a Borough Election and until the day of the Annual Council Meeting, if the Leader is not re-elected as a Councillor, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders.

Proceedings of the Executive

Proceedings of the Cabinet will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

Portfolio Holders Assistants

Non-Executive Councillors may be appointed as Portfolio Holder Assistants by the Leader. Portfolio Holder Assistants may not exercise any of the powers of a Portfolio Holder nor act in the absence of the Portfolio Holder. Confirmation of the appointment of any Portfolio Holder Assistant must be given by the Leader at the next meeting of Cabinet.

Role and Areas of Responsibility of Portfolio Holders (Cabinet Members)

General Responsibilities

- (1) All Portfolio Holders are responsible for the effective management and delivery of executive functions within their area of responsibility and within the following framework:
 - The Council's overall strategic, corporate and policy objectives and all statutory and other plans and strategies approved by the Council the approved revenue and capital budgets
 - The law and the Council's Constitution
 - The decisions made at full meetings of the Cabinet.

(2) All Portfolio Holders share the responsibility for ensuring:

- The development, co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's Objectives;
- That the Council delivers value for money in all that it does;
- The delivery of Public Health responsibilities;
- The oversight, development, monitoring and promotion of all executive services provided by the Council within the appropriate performance management framework;
- That suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to executive functions, which are provided under contract to the Council;
- The promotion of the interests of the Borough, and of all the residents, businesses, other organisations and stakeholders within Harrow;
- That the Council takes a community leadership role across the public, voluntary and business sectors involving the development of good and effective working links with all sectors;
- The promotion and implementation of an effective equal opportunities policy;
- The promotion of services which are sustainable, improve community cohesion and community safety, make for more open government, provide opportunities for resident participation in delivering outcomes and include new methods of community engagement;
- That proper arrangements are made for consultation and participation with residents and service users in decision making;

The Leader of the Council and Portfolio Holder for Strategy

The Leader of the Council shall have the following responsibilities:

- When present to chair meetings of the Cabinet;
- Appoint and dismiss Portfolio Holders and the Deputy Leader
- Appoint to and dismiss from committees of the Cabinet
- Determine from time to time the roles and areas of responsibility of Portfolio Holders and set out their scheme of delegation for executive functions

- In the absence of a Portfolio Holder, or on written notice to the Monitoring Officer, to exercise any of that Portfolio Holder's functions themselves or arrange the discharge of those functions by another Portfolio Holder or a Corporate Director
- Champion the Borough locally, nationally and internationally and act as an advocate for its residents
- Lead the development and implementation of the Council's Corporate Plan and Budget
- Liaise with Government Departments, the Greater London Authority, London Councils, West London Alliance and other local, sub-regional and public bodies
- Ensure that the decisions and activities of the Council comply with the highest possible ethical standards and that all Members of the Council adhere to the Code of Conduct.
- To oversee the arrangements for all civic and ceremonial matters.

Deputy Leader of the Council

The Deputy Leader of the Council shall have overall responsibility for:

- Undertaking the responsibilities and delegated powers of the Leader of the Council, to the extent permitted by the Constitution, in the absence of the Leader;
- The chairing of meetings of the Executive in the absence of the Leader of the Council.

Portfolio Holders

The Leader has appointed the following Portfolio Holders:

Portfolio Holder for Planning and Regeneration
Portfolio Holder for Adult Services and Public Health
Portfolio Holder for Business, Employment and Property
Portfolio Holder for Children's Services
Portfolio Holder for Community and Culture
Portfolio Holder for Environment & Community Safety
Portfolio Holder for Finance & Human Resources
Portfolio Holder for Housing
Portfolio Holder for Performance, Communications and Customer Experience

Details of the terms of reference of each Portfolio Holder can be found in the [Portfolio Holder Terms of Reference Document](#).

Cabinet Panels, Sub-Committees and Forums

Executive Sub-Committees

The Executive may establish sub-committees to carry out Executive functions. Such committees must consist only of Executive members.

Advisory Panels

The Executive may appoint Advisory Panels to assist in the carrying out of Executive functions. Any such panels may not exercise any Executive functions and may only give advice or make recommendations to the Executive, Portfolio Holders or Council as appropriate. Non-Executive Members may be members of such Panels. Specific Procedural Rules apply to these Panels (see part 4 - Advisory Panel and Consultative Forum Procedure Rules) unless specifically approved otherwise by the Executive. The rules on political proportionality will apply to membership of Panels. The terms of reference of all Advisory Panels are set out in Part 3A of the Constitution.

Consultative Forums

The Executive may appoint Consultative Forums. These non-decision making bodies shall assist the Executive in consulting with service users, trades' unions and other interested parties. They may make recommendations to the Executive (or elsewhere as appropriate) if a majority of the Council members on the Forum agree. The Procedure Rules for Advisory Panels and Consultative Forums apply to these forums subject to specific changes for membership and method or operation proposed by each Forum and approved by Council. The rules on political proportionality will apply to the appointment of Councillors to the Forums.

Cabinet Advisory Panels have no Executive decision making powers. Their purpose is to consider matters referred to them within their terms of reference and to make recommendations to the Cabinet/Portfolio Holder as appropriate.

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Corporate Parenting Panel

Purpose

1. To ensure that the Council is fulfilling its duties towards Looked After Children corporately and in partnership with other statutory agencies.
2. To consider matters referred to the Panel within its terms of reference and to make recommendations to Cabinet/Portfolio Holder as appropriate including:
 - a. Approving annually the Statement of Purpose for the Adoption Service
 - b. Approving annually the Statement of Purpose for the Fostering Service

- c. To ensure all councillors are aware of their corporate parenting responsibilities through Mandatory training and communication.

Role of the Panel

1. To take an overview of the Council's and partner agencies responsibilities towards looked after children (LAC) and examine ways the life chances of looked after children and care leavers can be improved.
2. Ensure there are good joint working arrangements between council departments and partner agencies.
3. To consider and regularly annually a Corporate Parenting Strategy setting out key priorities and areas for action. The Corporate Parenting Strategy will be submitted to Cabinet and full council for consideration and decision on approval.
4. To provide a forum for Children Looked After (CLA) to participate and influence policy and to have opportunity to talk about issues relating to their own direct experiences of services they have received. The Board will ensure that the positive experiences/services are maintained and lessons are learnt and changes made where required.
5. To comment on and contribute to plans, policies and strategies for LAC and make recommendations for action.
6. To have a monitoring role, by receiving regular progress reports and data on all key Performance Indicators for all LAC e.g. educational attainment (including implementation of Personal Education Plans) and health assessments.
7. Monitor the plans/needs of children in Secure Accommodation.
8. To receive regular reports on the needs of care leavers including employment, further education, training and housing.
9. To receive annual reports on the following services
 - Adoption
 - Fostering
 - Complaints
10. To meet with LAC and their carers on a regular basis to consult and celebrate achievements, festivals etc.
11. To manage and arrange Member visits to
 - Children's Homes
 - Foster Placements
 - Frontline Services (as indicated in the Victoria Climbié Audit)

Membership

The Corporate Parenting panel will comprise:

A proportionate number of 6 Elected Members

Service Users, Carers and Schools (Non-Voting)

- At least 1 Care leaver
- 1 Foster Carer
- 1 Virtual Head Teacher

Senior Officers (advisors to the Panel – to attend as appropriate to the work of the Panel)

- Director of Children’s Services
- Divisional Director Children and Young People
- Head of Service Corporate Parenting
- LAC Nurse
- Housing Needs Manager
- Business Intelligence

Harrow Business Consultative Advisory Panel

Terms of Reference

1. To enable consultation between the Council and representatives of local non-domestic ratepayers required by Section 65 of the Local Government Finance Act 1992 and to provide information regarding the Council’s expenditure proposals for the future budget in accordance with Non-Domestic Ratepayers (Consultation) Regulations 1992. The minutes of the meetings to be reported to the Cabinet.
2. To facilitate consultation between the Council and representatives of the business community as required by the Authority.

Planning Policy Advisory Panel

The Terms of Reference and Delegated Powers of the Planning Policy Advisory Panel are:

1. To provide input into the development of planning policy within the borough by giving detailed consideration to:
 - (a) the Local Development Framework / Local Plan and its Development Plan Documents and matters incidental thereto;
 - (b) representations received to Development Plan Documents and any amendments proposed;

- (c) monitoring the implementation of the Framework / Local Plan, its review and modification as necessary.
- 2. To provide input into all other planning policy matters such as the designation of Conservation Areas and amendments to their boundaries and the designation of locally listed buildings.
- 3. To give detailed consideration to and make recommendations to Cabinet in respect of:
 - (a) The use of the Community Infrastructure Levies (CIL) funds;
 - (b) Reviewing and commenting upon changes to the CIL Charging Schedule and S106 Supplementary Planning Documents (SPG).
- 4. To oversee the implementation of the Borough Wide CIL / Infrastructure Delivery Plan (IDP) prepared to support strategic growth in the Borough and to make recommendations to Cabinet where appropriate
- 5. To oversee the development of proposals for individual major development sites or significant capital / infrastructure projects within the borough including:
 - (a) Providing comments on pre application proposals received by the Council for such sites;
 - (b) Reviewing progress of strategic development sites within the borough and considering site specific planning and development briefs.

Traffic and Road Safety Advisory Panel

Terms of Reference

To make recommendations on the following:

- Traffic management;
- Management and control of parking both on and off-street;
- Operational aspects of public transport within the Borough.

Including consideration of:

- Petitions, Deputations
- Scheme Approval (from existing budgets), including consultation results and authority to make traffic orders.
- Objections to traffic orders
- Investigations into traffic problems (other than those identified by petition etc)
- Local Safety Schemes Annual Review

- Consultations from neighbouring authorities on traffic management schemes on or near boundary
- Amendments to London Lorry Ban operation
- Approval of model traffic orders
- References and motions from other bodies
- Setting traffic management criteria e.g. traffic calming.

Consultative Forums

Employees' Consultative Forum

Terms of Reference

1.0 Consultation

1.1 The Employees' Consultative Forum (ECF) is the primary mechanism by which Council Members will consult Union Representatives on specific matters of mutual interest. The ECF shall make recommendations to the Cabinet on such issues. In addition, the ECF will receive reports on actions from the ECF Sub-Group.

1.2 The ECF will meet at least twice annually.

2.0 Equal Opportunities

2.1 The ECF will seek to promote Equal Opportunities in Employment within the Council, ensuring compliance with all the relevant equalities legislation.

2.2 The ECF will ensure the effective implementation of 'Making a Difference – Making Equality of Opportunity a Reality'. The ECF will receive and comment on regular reports including:-

- Statistics and progress on meeting equality targets including an annual report on employment issues analysed by protected characteristics.

3.0 Health & Safety

3.1 The ECF will seek to promote health and safety and welfare within the Council and will keep under review the measures taken to ensure health and safety and welfare at work. The Forum will receive and comment on reports, including:-

- The Council's half-year and annual health and safety performance report providing an update of health and safety activities and giving information on outcome measures.

3.2 Any health and safety and welfare matters which are the responsibility of the Council as set out in the schedule to the Council's Constitution must be referred to the Licensing and General Purposes Committee.

4.0 Budget

The ECF will consider the budget, as part of the Council's consultation on the budget setting process and make comments on the recommendations.

5.0 Membership

- 5.1 The permanent membership of the Forum shall be as follows: -
- a) 7 Councillors to include the Leader / Deputy leader and the Portfolio Holder with responsibility for Human Resources.
 - b) A minimum of one and maximum of 3 representatives from each recognised trade union. (Note the number of representatives for each trade union to be determined by their notified membership numbers).
- 5.2 The Council Members shall be appointed annually by the Cabinet. If a Council Member is unable to attend any meeting then a duly appointed Reserve Council Member may attend in their place.
- 5.3 The Employee Side Representatives shall be nominated to the Head of Paid Service within 14 days of each Annual Council. If an Employee Side representative is unable to attend any meeting they may nominate a substitute who shall be co-opted onto the committee for the purposes of that meeting.
- 5.4 The role of chairing the ECF will rotate between Council Members and Employee Side representatives each Municipal Year.
- 5.5 The Employee Side will agree amongst themselves who will take the Chair and notify Democratic Services.
- 5.6 Others who may attend the Forum include:-
- Head of Paid Service, Corporate Directors & Directors (or representative)
 - Trade Union Branch Secretaries (or representative)
 - Trade Union Branch Regional Officials (as required)
 - Representatives from Employee Support Groups – for the Annual Equality in Employment report.
 - Other officers as required.

For the meeting to be quorate, it must be attended by a minimum of three Council Members and two trade union representatives from different trade unions.

6.0 Recommendations of the Employees' Consultative Forum

- 6.1 Recommendations of the ECF are reached by a majority vote among elected Members.
- 6.2 Recommendations of the ECF must go to the relevant portfolio holder or Cabinet, who are the last stage in the local procedures and in the normal course of events, will be implemented immediately (subject to the call-in period).

(Note: A proposal to establish any subsidiary body of this Committee shall be subject to its prior referral to and approval by Cabinet).

Joint Arrangements

Joint Committee of the Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (known as “West London Economic Prosperity Board”)

Functions and Procedure Rules

1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Barnet, Brent, Ealing, Hammersmith & Fulham, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee shall be known as ‘**West London Economic Prosperity Board**’.
- 1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.
- 1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.
- 1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.
- 1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

2. Definitions

- 2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).
- 2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

3. Functions

- 3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:
- 3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.
- 3.1.2 Providing direction to a nominated lead borough on the allocation of any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving the approach to the procurement to be undertaken by the lead borough.
- 3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.
- 3.1.4 Exercising any such powers and allocating any such funding.
- 3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- 3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
- 3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
- 3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.

- 3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
 - 3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local Democracy, Economic Development and Construction Act 2009 Act, to be established by groups of boroughs in London.
 - 3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.
- 3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

4. Membership and Quorum

- 4.1 The membership will comprise of 6 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.
- 4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.
 - 4.2.1 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.
 - 4.2.2 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.
- 4.3 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.
- 4.4 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

- 4.5 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.
- 4.6 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.
- 4.7 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.
- 4.8 The quorum for the Joint Committee is three members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the clerk will advise those present that no business can be transacted and the meeting will be cancelled.

5. Chair and Vice-Chair

- 5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.
- 5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.
- 5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.
- 5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.
- 5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.
- 5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

6. Sub-Committees

- 6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

7. Delegation to officers

- 7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.

- 7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.
- 7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

8. Administration

- 8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

9. Financial matters

- 9.1 The Joint Committee will not have a pre-allocated budget.
- 9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

10. Agenda management

- 10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.
- 10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.
- 10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.
- 10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key-decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non statutory procedures.

11. Meetings

- 11.1 The Joint Committee will meet as required to fulfil its functions.
- 11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.
- 11.3 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

12. Notice of meetings

- 12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.
- 12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.
- 12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

13. Public participation

- 13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.
- 13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.
- 13.3 The maximum number of speakers allowed per agenda item is 6.
- 13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

- 13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.
- 13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

14. Member participation

- 14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

15. Business to be transacted

- 15.1 Standing items for each meeting of the Joint Committee will include the following:

- Minutes of the Last Meeting
- Apologies for absence
- Declarations of Interest
- Provision for public participation
- Substantive items for consideration

- 15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

- 15.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- 15.4 "Special Circumstances" justifying an item being considered as a matter or urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

16. Extraordinary meetings

- 16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

17. Cancellation of meetings

17.1 Meetings of the Joint Committee may, after consultation with the Chair, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chair and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

18. Rules of debate

18.1 The rules of debate in operation in the Chair's authority shall apply.

19. Request for determination of business

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration.
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

20. Urgency procedure

20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

21. Voting

21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

21.3 Any matter (save for a decision under Rule 4.7 above) shall be decided by a simple majority of those members voting and present. Where there is an

equality of votes, the Chair of the meeting shall have a second and casting vote.

- 21.4 Any two members can request that a recorded vote be taken.
- 21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast they vote for or against the matter or whether they abstained from voting.

22. Minutes

- 22.1 At the next suitable meeting of the Joint Committee, the Chair will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.
- 22.2 Once agreed, the Chair will sign them.
- 22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

23. Exclusion of Public and Press

- 23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.
- 23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.
- 23.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think is necessary.
- 23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

24. Overview and Scrutiny

- 24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone

- 24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.
- 24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.
- 24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.

25. Access to minutes and papers after the meeting

- 25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:
- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (iii) the agenda for the meeting; and
 - (iii) reports relating to items when the meeting was open to the public.

26. Amendment of these Rules

- 26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule 3 (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

27. Background Papers

- 27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:
- (i) disclose any facts or matters on which the report or an important part of it is based;
 - (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

- 27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection
- (i) a copy of the list of background papers for the report
 - (ii) at least one copy of each of the documents included in that list.
- 27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

North West London Joint Health Overview and Scrutiny Committee

Membership

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate. The North West London Joint Health Overview and Scrutiny Committee will elect its own Chair and Vice Chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, to allow for any annual changes to the committee's membership.

Terms of Reference

1. To scrutinise the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; in particular the implementation plans and actions by the North West Integrated Care System and their Integrated Care Board, focusing on aspects affecting the whole of North West London. Taking a wider view than might normally be taken by individual local authorities.
2. To review and scrutinise decisions made, or actions taken by North West London Integrated Care System, their Integrated Care Board and/or other NHS service providers, in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London, where appropriate.
3. To make recommendations to North West London Integrated Care System and its Integrated Care Board, NHS England, or any other appropriate outside body in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; and to monitor the outcomes of these recommendations where appropriate.
4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London. Individual local authority members of the North West London Joint Health

Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under the for North West London).

5. Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Duration

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise and does not preclude individual authorities from leaving the Committee if they choose to do so. The Committee will keep under review whether it has fulfilled its remit and recommendations of the Committee will be reported to a Full Council meeting of each participating authority, at the earliest opportunity.

Status: Law In Force Amendment(s) Pending

**Local Authorities (Functions and Responsibilities) (England) Regulations
2000/2853**

**Schedule 1 FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN
AUTHORITY'S EXECUTIVE**

This version in force from: **April 16, 2017** to **present**

(version 23 of 24)

(1)	(2)
Function	Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	

[...] ²

[5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).] ¹
[6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.] ¹

[7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990. ¹
[8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990. ¹
[9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. ¹
[10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). ¹
[11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). ¹
[12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990. ¹

<p>[13. Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.¹</p>
<p>[14. Power to serve a completion notice.</p>	<p>Section 94(2) of the Town and Country Planning Act 1990.¹</p>
<p>[15. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).¹</p>
<p>[16. Power to authorise entry onto land.</p>	<p>Section 196A of the Town and Country Planning Act 1990.¹</p>
<p>[17. Power to require the discontinuance of a use of land.</p>	<p>Section 102 of the Town and Country Planning Act 1990.¹</p>
<p>[18. Power to serve a planning contravention notice, breach of condition notice or stop notice.</p>	<p>Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.¹</p>

<p>[18A. Power to issue a temporary stop notice.</p>	<p>[Section 171E of the Town and Country Planning Act 1990⁵ .]⁴]³</p>
<p>[19. Power to issue an enforcement notice.</p>	<p>Section 172 of the Town and Country Planning Act 1990.]¹</p>
<p>[20. Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.]¹</p>
<p>[21. Power to determine applications for hazardous substances consent, and related powers.</p>	<p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.]¹</p>
<p>[22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p>	<p>Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.]¹</p>
<p>[23. Power to require proper maintenance of land.</p>	<p>Section 215(1) of the Town and Country Planning Act 1990.]¹</p>

<p>[24. Power to determine application for listed building consent, and related powers.</p>	<p>[Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ .] ¹</p>
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[...] ⁷

<p>[26. Duties relating to applications for listed building consent [...] ⁸</p>	<p>[Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)] ⁹ and [paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01] ¹⁰ .] ¹</p>
<p>[27. Power to serve a building preservation notice, and related powers.</p>	<p>[Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ .] ¹</p>

<p>[28. Power to issue enforcement notice in relation to demolition of [listed] ¹¹ building in conservation area.</p>	<p>[Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ .] ¹</p>
<p>[29. Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>[Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ .] ¹</p>
<p>[30. Power to apply for an injunction in relation to a listed building.</p>	<p>[Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ .] ¹</p>
<p>[30A. Power to authorise stopping up or diversion of highway.</p>	<p>[Section 247 of the Town and Country Planning Act 1990 (c.8).] ¹³] ¹²</p>
<p>[31. Power to execute urgent works.</p>	<p>[Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)] ⁶ .] ¹</p>

[32. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. ¹⁴
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62) .
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49) .
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89) , as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55) , and section 15 of the Transport Act 1985 (c. 67) ; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) ;
	(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 .

4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 .
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 .
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2) ¹⁵ [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order] ¹⁶
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 ¹⁵ [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order] ¹⁷
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 ¹⁸ [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.] ¹⁹

<p>9. Power to grant permits in respect of premises with amusement machines.</p>	<p>Schedule 9 to the Gaming Act 1968 (c. 65)¹⁵</p> <p>[as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order]²⁰</p> <p>.</p>
<p>10. Power to register societies wishing to promote lotteries.</p>	<p>Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)¹⁵</p> <p>[as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order]²¹</p> <p>.</p>
<p>11. Power to grant permits in respect of premises where amusements with prizes are provided.</p>	<p>Schedule 3 to the Lotteries and Amusements Act 1976¹⁵</p> <p>[as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order]²²</p> <p>.</p>
<p>12. Power to issue cinema and cinema club licences.</p>	<p>Section 1 of the Cinema Act 1985 (c. 13).</p>
<p>13. Power to issue theatre licences.</p>	<p>Sections 12 to 14 of the Theatres Act 1968 (c. 54)²³</p> <p>.</p>

<p>14. Power to issue entertainments licences.</p>	<p>Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).</p>
<p>[[14A Any function of a licensing authority] ²⁵</p>	<p>[Licensing Act 2003 (c. 17) and any regulations or orders made under that Act] ²⁷ .] ²⁶] ²⁴</p>
<p>[14AZA Powers and functions relating to late night levy requirements.</p>	<p>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter.] ²⁸</p>
<p>[14AA Duty to comply with requirement to provide information to Gambling Commission.</p>	<p>[Section 29 of the [2005 Act] ³¹ .] ³⁰] ²⁹</p>
<p>[14AB Functions relating to exchange of information.</p>	<p>[Section 30 of the 2005 Act.] ³³] ³²</p>

[14AC Functions relating to occasional use notices.	[Section 39 of the 2005 Act.] ³⁵] ³⁴
[14B Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act.] ³⁶
[14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	[Section 304 of the 2005 Act.] ³⁸] ³⁷
[14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	[Section 284 of the 2005 Act.] ⁴⁰] ³⁹
[14D. Power to institute criminal proceedings [...]] ⁴²	[Section 346 of the 2005 Act.] ⁴³] ⁴¹
[14E. Power to exchange information	[Section 350 of the 2005 Act.] ⁴⁵] ⁴⁴
[14F. Functions relating to the determination of fees for premises licences.	[The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).] ⁴⁷] ⁴⁶

[...] ⁴⁸

<p>[14G Functions relating to the registration and regulation of small society lotteries.</p>	<p>[Part 5 of Schedule 11 to the 2005 Act.]⁵⁰</p> <p>]</p> <p>⁴⁹</p>
<p>15. Power to license sex shops and sex cinemas.</p>	<p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.</p>
<p>16. Power to license performances of hypnotism.</p>	<p>The Hypnotism Act 1952 (c. 46).</p>
<p>17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.</p>	<p>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.</p>
<p>18. Power to license pleasure boats and pleasure vessels.</p>	<p>Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)⁵¹</p> <p>.</p>
<p>19. Power to register door staff.</p>	<p>Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x).</p>

20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982 , Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii) .
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53) ⁵² , Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994 .

[...] ⁵³

23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32) ; sections 2 to 16 of the Game Licensing Act 1860 (c. 90) , section 4 of the Customs and Inland Revenue Act 1883 (c. 10) , sections 12(3) and 27 of the Local Government Act 1874 (c. 73) , and section 213 of the Local Government Act 1972 (c. 70) .
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16) .
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69) .
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52) ⁵⁴ .

27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c.40).
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35)⁵⁵ ; section 1 of the Animal Boarding Establishments Act 1963(c. 43)⁵⁶ ; the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70) ⁵⁷ ; section 1 of the Breeding of Dogs Act 1973 (c. 60)⁵⁸ , and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)⁵⁹ .
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)⁶⁰ .

33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38) .
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974 . See also the Animal By-Products Order 1999 (S.I. 1999/646).
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33) , byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37) .
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) ⁶¹
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or	
(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118) .	

38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471) ⁶²
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44) ⁶³
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c. 16).
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995 .
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995 .

46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
[46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	[Sections 115E, 115F and 115K of the Highways Act 1980.] ⁶⁵] ⁶⁴
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c. 66) .
[47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980 .	[Section 115G of the Highways Act 1980] ⁶⁷] ⁶⁶] ⁶⁴
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980 .
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980 .
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980 .
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980 .

52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980 .
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980 .
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980 ⁶⁸
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980 .
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35) .
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) ⁶⁹
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086) ⁷⁰

60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763) ⁷¹
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 .
64. Power to register fishing vessels on board which shrimps or molluses are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 .
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 .
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 .

67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991 .
[69. Power to issue near beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3) , section 25 of that Act.] ⁷²
[70. Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii) .] ⁷²
[71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c.3) .] ⁷³
[72. Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961) ⁷⁵ .] ⁷⁴
C. Functions relating to health and safety at work	

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974 , to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37) ⁷⁶
D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2) ⁷⁷
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983 .
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972 .
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972 .

6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983 .
7. Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)] ⁷⁸
8. Duty to divide constituency into polling districts.	[sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983] ⁷⁹
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983 .
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983 .
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983 .
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985 .
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972 .

14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972 .
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972 .

[...] ⁸⁰

17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 .	Section 10 of the Representation of the People Act 2000 (c. 2) .
[18. Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act.] ⁸¹
[19. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.] ⁸¹
[20. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.] ⁸¹
[21. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.] ⁸¹
[22. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.] ⁸¹

E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972 .
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972 .
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972 .
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972 .

[...] ⁸³

[EB. Functions relating to community governance]	⁸²
[1. Duties relating to community governance reviews.	Section 79 of the 2007 Act.] ⁸²
[2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.] ⁸²
[3. Functions relating to terms of reference of review.	Sections 81(4) to (6) .] ⁸²

[4. Power to undertake a community governance review.	Section 82 of the 2007 Act.] ⁸²
[5. Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.] ⁸²
[6. Duties when undertaking review.	Section 93 to 95 of the 2007 Act.] ⁸²
[7. Duty to publicise outcome of review.	Section 96 of the 2007 Act.] ⁸²
[8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.] ⁸²
[9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act.] ⁸²
[F. Power to make, amend, revoke, re-enact or enforce byelaws.] ⁸⁴	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30) ⁸⁵
[FA. Functions relating to smoke-free premises, etc] ⁸⁶

[(1)	(2)] ⁸⁶
[Function	Provision of Act or Statutory Instrument] ⁸⁶
[1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the 2006 Act.] ⁸⁶
[2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.] ⁸⁶
[3. Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act.] ⁸⁶
[Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).] ⁸⁶
[4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).] ⁸⁶
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972 .

H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11) ⁸⁷
[2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004] ⁸⁸	[Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c. 21)] ⁸⁹
[I. Miscellaneous functions] ⁹⁰
[Part I: <i>functions relating to public rights of way</i>] ⁹⁰
[] ⁹⁰
[1. Power to create footpath [, bridleway or restricted byway] ⁹¹ by agreement.	Section 25 of the Highways Act 1980 (c. 60) .] ⁹⁰
[2. Power to create footpaths [, bridleways and restricted byways] ⁹¹ .	Section 26 of the Highways Act 1980 .] ⁹⁰

[3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980. ⁹⁰
[4. Power to stop up footpaths [, bridleways and restricted byways] ⁹¹	Section 118 of the Highways Act 1980. ⁹⁰
[5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980. ⁹⁰
[6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980. ⁹⁰
[7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980. ⁹⁰
[8. Power to divert footpaths [, bridleways and restricted byways] ⁹¹	Section 119 of the Highways Act 1980. ⁹⁰
[9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980. ⁹⁰
[10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980. ⁹⁰

[11. Power to make a special diversion order.	Section 119B of the Highways Act 1980 .] ⁹⁰
[12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980 .] ⁹⁰
[13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980 .] ⁹⁰
[14. Duty to keep register with respect to applications under sections 118ZA , 118C, 119ZA and 119C of the Highways Act 1980 .	Section 121B of the Highways Act 1980 .] ⁹⁰
[15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980 .] ⁹⁰
[16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980 .] ⁹⁰
[17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980 .] ⁹⁰

<p>[18. Power to apply for variation of order under section 130B of the Highways Act 1980.</p>	<p>Section 130B(7) of the Highways Act 1980.] ⁹⁰</p>
<p>[19. Power to authorise temporary disturbance of surface of footpath [, bridleway or restricted byway] ⁹¹</p> <p>.</p>	<p>Section 135 of the Highways Act 1980.] ⁹⁰</p>
<p>[20. Power temporarily to divert footpath [, bridleway or restricted byway] ⁹¹</p> <p>.</p>	<p>Section 135A of the Highways Act 1980.] ⁹⁰</p>
<p>[21. Functions relating to the making good of damage and the removal of obstructions.</p>	<p>Section 135B of the Highways Act 1980.] ⁹⁰</p>
<p>[22. Powers relating to the removal of things so deposited on highways as to be a nuisance.</p>	<p>Section 149 of the Highways Act 1980.] ⁹⁰</p>
<p>[23. Power to extinguish certain public rights of way.</p>	<p>Section 32 of the Acquisition of Land Act 1981 (c. 67).] ⁹⁰</p>
<p>[24. Duty to keep definitive map and statement under review.</p>	<p>Section 53 of the Wildlife and Countryside Act 1981 (c. 69).] ⁹⁰</p>

[25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981 .] ⁹⁰
[26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981 .	Section 53B of the Wildlife and Countryside Act 1981 .] ⁹⁰

[...] ⁹¹

[28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981 .] ⁹⁰
[29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38).] ⁹⁰
[30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68).] ⁹⁰
[31. Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway] ⁹¹	Section 257 of the Town and Country Planning Act 1990 .] ⁹⁰
[32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990 .] ⁹⁰

[33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c. 37).] ⁹⁰
[34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.] ⁹⁰
[Part II: <i>other miscellaneous functions</i>] ⁹⁰
[] ⁹⁰
[35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).] ⁹⁰
[36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c. 70).] ⁹⁰
[37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.] ⁹⁰
[38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.] ⁹⁰

[39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972. ⁹⁰
[40. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972. ⁹⁰
[41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69). ⁹⁰
[42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). ⁹⁰
[43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42). ⁹⁰
[44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989. ⁹⁰
[44A. Duty to provide staff, etc to person nominated by monitoring officer.	[Sections 82A(4) and (5) of the Local Government Act 2000 ⁹⁴] ⁹³] ⁹²

[44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	[Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.] ⁹⁵] ⁹²
[45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).] ⁹⁰
[46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).] ⁹⁰
[47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 , and the Trees Regulations 1999 (S.I. 1999/1892).] ⁹⁰
[47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.] ⁹⁶
[48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.] ⁹⁰
[49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).] ⁹⁷

[50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c. 38). ⁹⁸
[51. Power to apply for an enforcement order against unlawful works on common land.	[Section 41 of the Commons Act 2006.] ¹⁰⁰] ⁹⁹
[52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	[Section 45(2)(a) of the Commons Act 2006.] ¹⁰²] ¹⁰¹
[53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	[Section 45(2)(b) of the Commons Act 2006.] ¹⁰⁴] ¹⁰³

Notes

- [1](#) . Substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004/2211 [Sch.1 para.1](#) (September 28, 2004)
- [2](#) . Items revoked by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 [reg.2\(4\)\(a\)](#) (April 22, 2005)
- [3](#) . Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 [reg.2\(4\)\(b\)](#) (April 22, 2005)
- [4](#) . Possible drafting error, words are purportedly inserted in item 18 but are more appropriate in item 18A and therefore the amendment is applied to item 18A by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 [reg.2\(4\)\(c\)](#) (April 22, 2005)
- [5](#) . 1990 c.8. Section 171E was inserted by [section 52](#) of the [Planning and](#)

[Compulsory Purchase Act 2004.](#)

- 6 . Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(2\)\(d\)](#) (October 2, 2007)
- 7 . Item revoked by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013/2146 [Sch.1 para.6\(a\)](#) (October 1, 2013: revocation has effect subject to savings specified in SI 2013/2146 art.4 and SI 2013/148 art.5(4))
- 8 . Words revoked by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013/2146 [Sch.1 para.6\(b\)](#) (October 1, 2013: revocation has effect subject to savings specified in SI 2013/2146 art.4 and SI 2013/148 art.5(4))
- 9 . Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(2\)\(b\)\(i\)](#) (October 2, 2007)
- 10 .Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(2\)\(b\)\(ii\)](#) (October 2, 2007)
- 11 .Word substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(2\)\(c\)](#) (October 2, 2007)
- 12 .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.2\(1\)\(a\)](#) (November 23, 2004)
- 13 .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.2\(1\)\(b\)](#) (November 23, 2004)
- 14 .Entry inserted by Town and Country Planning (Brownfield Land Register) Regulations 2017/403 [reg.19\(2\)](#) (April 16, 2017)
- 15 .To which there are amendments not relevant to these Regulations.
- 16 .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(a\)](#) (September 1, 2007)
- 17 .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(b\)](#) (September 1, 2007)
- 18 .[Schedules 5ZA](#) was inserted by [S.I. 1995/3231](#), [article 5\(6\)](#).
- 19 .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(c\)](#) (September 1, 2007)

- [20](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(d\)](#) (September 1, 2007)
- [21](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(e\)](#) (September 1, 2007)
- [22](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(f\)](#) (September 1, 2007)
- [23](#) .Amended by the [Local Government Act 1972](#) , [section 204\(6\)](#) and the [Local Government, Planning and Land Act 1980](#), [section 1\(6\)](#), [Schedule 6 paragraph 11](#) and Schedule 34, Pt VI.
- [24](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.1\(1\)\(a\)](#) (November 23, 2004)
- [25](#) .Item substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 [reg.3\(a\)](#) (October 1, 2013)
- [26](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.1\(1\)\(b\)](#) (November 23, 2004)
- [27](#) .Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 [reg.3\(b\)](#) (October 1, 2013)
- [28](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 [reg.3\(c\)](#) (October 1, 2013)
- [29](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(g\)](#) (September 1, 2007)
- [30](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(h\)](#) (September 1, 2007)
- [31](#) .Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(3\)\(a\)](#) (October 2, 2007)
- [32](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(i\)](#) (September 1, 2007)
- [33](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(j\)](#) (September 1, 2007)
- [34](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(k\)](#) (September 1, 2007)
- [35](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(l\)](#) (September 1, 2007)

- [36](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 [Sch.1\(1\) para.1](#) (April 21, 2006)
- [37](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(a\)](#) (May 21, 2007)
- [38](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(b\)](#) (May 21, 2007)
- [39](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(m\)](#) (August 1, 2007)
- [40](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(n\)](#) (August 1, 2007)
- [41](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(c\)](#) (May 21, 2007)
- [42](#) .Possible drafting error, entry 14D not 14E contains words revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(o\)](#) (September 1, 2007)
- [43](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(d\)](#) (May 21, 2007)
- [44](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(e\)](#) (May 21, 2007)
- [45](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(f\)](#) (May 21, 2007)
- [46](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(g\)](#) (May 21, 2007)
- [47](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 [reg.2\(2\)\(h\)](#) (May 21, 2007)
- [48](#) .Item revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(3\)\(c\)](#) (October 2, 2007)
- [49](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(p\)](#) (September 1, 2007)
- [50](#) .Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 [reg.2\(3\)\(q\)](#) (September 1, 2007)
- [51](#) .Amended by the [Local Government Act 1974 \(c.7\)](#), [Schedule 6, paragraph 1, section 18](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c.57\)](#) and [section 186](#) of the [Local Government, Planning and Land Act 1980 \(c.65\)](#). Section 94(8) was substituted by the [Deregulation \(Public Health Acts](#)

- [Amendment Act\) Order 1997](#) (S.I. 1997/1187).
- [52](#) .Amended by the [Local Government Act 1972](#), [section 204\(9\)](#) and the [London Local Authorities Act 1990 \(c. vii\)](#), [section 20](#).
- [53](#) .Entry revoked by Deregulation Act 2015 (Poisons and Explosives Precursors) (Consequential Amendments, Revocations and Transitional Provisions) Order 2015/968 [Sch.1 para.4](#) (May 26, 2015)
- [54](#) .Amended by the [Fire Safety and Safety of Places of Sport Act 1987 \(c.27\)](#). See , in particular, [Part II](#) of, and [Schedule 2](#) to, that Act.
- [55](#) .Amended by the [Local Government Act 1974](#), [section 42](#) and [Schedule 8](#).
- [56](#) .Amended by the [Local Government Act 1974](#), [Schedule 6, paragraph 17](#) and by the [Protection of Animals \(Amendment\) Act 1988 \(c.29\)](#), [section 3\(2\) and \(3\)](#) and the [Schedule](#).
- [57](#) .Amended by the [Local Government Act 1974](#), [section 35\(1\) and \(2\)](#) and [Schedule 6, paragraph 18](#) and by the [Protection of Animals \(Amendment\) Act 1988](#), [section 3\(2\) and \(3\)](#) and the [Schedule](#).
- [58](#) .[Section 1](#) was amended by the [Local Government, Planning and Land Act 1980](#), [section 1\(6\)](#), [Schedule 6](#), [Schedule 34, paragraph 15](#) and by the [Protection of Animals \(Amendment\) Act 1988](#), [section 3\(2\) and \(3\)](#) and the [Schedule](#).
- [59](#) .Amended by the [Local Government Act 1974](#)[sections 35\(1\) and \(2\)](#) and [42](#), [Schedule 6, paragraph 2\(1\)](#) and [Schedule 8](#).
- [60](#) .Amended by the [Local Government, Planning and Land Act 1980](#), [Schedule 6, paragraph 6](#), and by [section 3](#) of the [Protection of Animals \(Amendment\) Act 1988](#).
- [61](#) .[Section 46A](#) was inserted by [section 1](#) of the [Marriage Act 1994 \(c.34\)](#).
- [62](#) .Amended by [S.I. 1968/658](#).
- [63](#) .The 1939 Act was amended by the [Local Government Act 1972](#), [Schedule 29 paragraph 23](#). The 1916 Act and the 1939 Act are repealed (prospectively) by the [Charities Act 1992 \(c.41\)](#).
- [64](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.1\(2\)\(a\)](#) (November 23, 2004)
- [65](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.1\(2\)\(b\)\(i\)](#) (November 23, 2004)
- [66](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.1\(2\)\(b\)\(ii\)](#)

(November 23, 2004)

- [67](#) [Sections 115E, 115F, 115G](#) and [115K](#) were inserted into the Highways Act 1980 (c. 66) by the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30\)](#), [section 20](#), [Schedule 5, Part I, paragraph 1](#).
- [68](#) .Amended by [section 22](#) of the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c.30\)](#).
- [69](#) .Amended by [regulation 2](#) of the [Meat Products \(Hygiene\) \(Amendment\) Regulations 1999](#) (S.I. 1999/683).
- [70](#) .Amended by [S.I. 1996/1699](#).
- [71](#) [Schedule 1A](#) was inserted by [S.I. 2000/930](#).
- [72](#) .Entries inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 [Sch.1\(I\) para.1](#) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- [73](#) .Entry added by Motor Salvage Operators Regulations 2002/1916 [reg.6](#) (October 21, 2002)
- [74](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.4](#) (November 28, 2008)
- [75](#) .As to the commencement of [Part 1](#) of the [Commons Act 2006](#) see in relation to England generally, the [Commons Act 2006 \(Commencement No. 3, Transitional Provisions and Savings\) \(England\) Order 2007](#) (S.I. 2007/2584), and in relation to the pilot areas, the [Commons Act 2006 \(Commencement No. 4 and Savings\) \(England\) Order 2008](#) (S.I. 2008/1960).
- [76](#) .For the definition of “*the relevant statutory provisions*” see [section 53\(1\)](#) of the [Health and Safety at Work etc. Act 1974](#). See also the definitions of “*the existing statutory provisions*” and “*health and safety regulations*” in [section 53\(1\)](#) and, as to “*health and safety regulations*”, [section 15\(1\)](#) of that Act which was substituted by the [Employment Protection Act 1975 \(c.71\)](#), [Schedule 15, paragraph 5](#).
- [77](#) [Subsection \(4\) of section 52](#) was substituted by the [Representation of the People Act 1985 \(c.50\)](#), [Schedule 4](#).
- [78](#) .Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(4\)\(a\)](#) (October 2, 2007)
- [79](#) .Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(4\)\(b\)](#) (October 2, 2007)

- [80](#) .Item revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(4\)\(c\)](#) (October 2, 2007)
- [81](#) .Entries inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 [reg.5\(a\)](#) (March 31, 2008)
- [82](#) .Entries inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 [reg.5\(b\)](#) (March 31, 2008)
- [83](#) .Entry revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.5](#) (November 28, 2008)
- [84](#) .Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 [Sch.1\(1\) para.2](#) (April 21, 2006)
- [85](#) .[Section 14](#) of the [Interpretation Act 1978](#) is applied to byelaws made under [section 235](#) of the [Local Government Act 1972](#) by [section 22\(1\)](#) of, and [paragraph 3 of Part I of Schedule 2](#) to, the [Interpretation Act 1978](#).
- [86](#) .Item inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 [reg.2\(5\)](#) (October 2, 2007)
- [87](#) .As to [section 7](#) see also [section 99](#) of the [Local Government Act 2000 \(c.22\)](#). [Section 12](#) of the [Superannuation Act 1972](#) is amended by [section 10](#) of the [Pensions \(Miscellaneous Provisions\) Act 1990 \(c.7\)](#).
- [88](#) .Words substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 [art.53\(a\)](#) (December 30, 2004)
- [89](#) .Words substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 [art.53\(b\)](#) (December 30, 2004)
- [90](#) .Substituted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 [Sch.1\(I\) para.2](#) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)
- [91](#) .Words substituted by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 [Sch.1\(II\) para.1](#) (July 2, 2006 in relation to England; July 11, 2006 otherwise)
- [92](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.2\(2\)\(a\)](#) (November 23, 2004)
- [93](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.2\(2\)\(b\)\(i\)](#) (November 23, 2004)
- [94](#) .Sections 82A(4) and (5) of the Local Government Act 2000 (c. 22) were inserted

by [section 113](#) of the [Local Government Act 2003 \(c. 26\)](#).

- [95](#) .Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 [Sch.1\(1\) para.2\(2\)\(b\)\(ii\)](#) (November 23, 2004)
- [96](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005/714 [reg.2\(2\)](#) (June 1, 2005)
- [97](#) .Entry substituted by Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007/806 [reg.10\(2\)\(b\)](#) (April 6, 2007)
- [98](#) .Entry inserted by Local Authorities (Alcohol Disorder Zones) Regulations 2008/1430 [Pt 6 reg.25](#) (June 5, 2008)
- [99](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.6\(a\)](#) (November 28, 2008)
- [100](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.6\(b\)](#) (November 28, 2008)
- [101](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.6\(c\)](#) (November 28, 2008)
- [102](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.6\(d\)](#) (November 28, 2008)
- [103](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.6\(e\)](#) (November 28, 2008)
- [104](#) .Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 [reg.6\(f\)](#) (November 28, 2008)

Modifications

Sch. 1 para. 1	Modified by Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(d), Pt 2 reg. 6
	Modified by Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(e), Pt 2 reg. 6

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Subject: Local government



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

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). 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. The Leader may discharge any executive function or arrange for the discharge of any executive function:

- (a) by the Cabinet,
- (b) by another member of the Cabinet,
- (c) by a committee of the Cabinet,
- (d) by an area committee, or
- (e) by an officer of the authority.

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

Nothing in in this scheme prevents the Leader from exercising the council's executive functions even if they have been delegated to others.

This does not extend to decisions that may only be carried out by statutory or authorised officers. All decisions taken under this paragraph must follow the access to information rules and there must be a written report with legal, financial and other professional officer clearance.

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 until the Council determines where the responsibility lies.

Role of the Corporate Leadership Team (CLT)

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

The terms of reference of CLT 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.

Principles of Delegation

1. Officers may exercise delegated powers provided that the matter:-
 - 1.1 is covered by an approved policy
 - 1.2 there are no unusual features
 - 1.3 there are no political, controversial or other significant issues,
 otherwise the matter should be referred to Members to determine.
2. In exercising delegated powers officers must:
 - 2.1 Incur expenditure within approved estimates/limits.
 - 2.2 Comply with the Council's Procedural Rules and Financial Regulations in force at the time.
 - 2.3 Comply with any policy, plan or direction of the Council, the Leader, Cabinet or Committee.
 - 2.4 Consult and where appropriate, and/or agree with other relevant officers.
 - 2.5 Consult or refer the matter to the Head of Paid Service in appropriate cases.
 - 2.6 Keep appropriate
3. In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.

4. Acts of officers done under delegated powers are deemed to be acts of the Council.
5. Delegations exercised in relation to contracts must follow the Contract Procedure Rules in force at the time.

Non Executive Decision Procedure

The Head of Paid Service, Corporate Directors and Statutory Officers may be specifically authorised to take decisions on behalf of the Council or a Committee in cases of urgency or in relation to minor matters. In doing so the procedure set out below must be followed:

1. Urgent Non-Executive Decisions and Minor Matters

1.1 Matters which are the responsibility of Council

Subject to consultation with the Leader of the Council (or in his/her absence the Deputy Leader) and the leaders of the political groups or their nominees, the Head of Paid Service, Corporate Directors and Statutory Officers shall have the power to act on behalf of the Council in cases of urgency and on minor matters, where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council. In the event of disagreement between the Members consulted, the matter must be referred to the Council. The safeguards in 1.3. below must be followed.

1.2 Matters which are the responsibility of Committees of the Council

Subject to consultation with the Chair of the relevant committee and the nominated members of the political groups or their nominees, the Head of Paid Service, Corporate Directors and Statutory Officers shall have the power to act on behalf of the Council in cases of urgency and on minor matters, where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council Committee. In the event of disagreement between the Members consulted, the matter shall be referred to the Head of Paid Service who may take the decision after consultation with the Leaders of all political groups or their nominees, and if appropriate, with the statutory officers. The safeguards in 1.3. below must be followed.

1.3 Safeguards

The procedure must only be used when considered essential to achieving the efficient administration of the service and for urgent matters consideration must be given to whether the matter can wait until the next scheduled meeting or whether the calling of a special meeting can be justified.

The information in the report form must be given the same care and attention as a report to the committee or to Council. Councillors must be given all the information they need in order to fully consider the matter.

All decisions taken by officers under this delegated power must be reported for information to the next meeting of the appropriate committee.

For minor matters the subject matter:

- should not give rise to implication of a policy or resource nature for the authority;
- the cost of implementing the decision must not exceed agreed budgets; and
- the decision should not conflict with any plan or strategy agreed by the Council.

2. Urgent Executive Decisions and Minor Matters Procedure

Matters, which are the responsibility of the Cabinet

All executive decisions shall be referred to the Leader, Portfolio Holder or the Cabinet, as appropriate for decision.

General

1. Where appropriate the Head of Paid Service may exercise any function delegated to any other officer, eg in case of absence.
2. Corporate Directors may exercise any function delegated to any other officer within their directorate.
3. Corporate Directors may exercise any function outside their directorate delegations delegated to them by the Head of Paid Service.
4. The Head of Paid Service and Corporate Directors have the general powers:

to manage and promote the services and functions for which they are responsible. This includes:

Delegated Powers	Source of Delegated Powers Executive or Council side function
<p>General</p> <p>3.1 Taking and implementing any decision required for operational effectiveness.</p>	<p>Executive and Council</p>

Delegated Powers	Source of Delegated Powers Executive or Council side function
<p>3.2 Responding to consultation documents, which are considered appropriate to be dealt with at officer level. β</p> <p>The Leader or appropriate Portfolio Holder will deal with all other consultation responses</p>	Executive
<p>3.3 Bid for external resources for services within their remit.</p>	Executive
<p>3.4 Liaise and develop partnerships with external agencies, Government departments and stakeholder organisations.</p>	Executive
<p>Financial</p> <p>3.5 Financial delegations are set out in the Financial Regulations</p>	Council
<p>Contracts</p> <p>3.6 Contractual Delegations are set out in the Contract Procedure Rules.</p>	Executive
<p>Human Resources</p> <p>3.7 To appoint, suspend and dismiss staff.</p>	Council
<p>3.8 To take any action under the Council's employment policies and procedures.</p>	Council
<p>3.9 To re-organise staff within their directorates subject to:</p> <ul style="list-style-type: none"> ▪ Consultation with Head of Paid Service and Head of HR ▪ Where appropriate, consultation with staff and/or their representatives. ▪ Compliance with any relevant Council policies or procedures. 	Council

Delegated Powers	Source of Delegated Powers Executive or Council side function
<ul style="list-style-type: none"> ▪ No service policy implications. ▪ No expenditure in excess of budget. ▪ No growth in net expenditure beyond the current year. 	
<p>3.10 To authorise absence leave and payments, including overtime, expenses, loans, and ex gratia payments subject to approval as set out in the Financial Regulations and the Council's Employment Policies.</p>	Executive
<p>3.11 To authorise training and development and associated matters.</p>	Executive

Individual Delegations	Source of Individual Delegated Powers Executive or Council side function
<p>Head of Paid Service</p> <p>1. To take any action necessary to ensure the effective and efficient management and operations of the Council. If following a Borough Election the Leader has not been elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the Council, then until a Leader is appointed, the Head of Paid Service (in consultation with all Group Leaders) shall be authorised to take and implement any decision required for operational effectiveness of the Council but excepting any such responsibilities, duties and powers specifically reserved to any other person or body.</p>	Executive and Council
<p>2. To promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in accordance</p>	Council

Individual Delegations	Source of Individual Delegated Powers Executive or Council side function
with the Code of Conduct for Council Employees.	
3. To make any decision delegated to another officer.	Executive and Council
4. Act in minor or urgent matters where to delay for a Council meeting would not, in his/her opinion, be in the Council's interest, subject to written approval of the Leaders of the political groups. β	Council
5. Act in minor or urgent matters where to delay for a Council committee meeting would not in his/her opinion, be in the Council's interests, subject to consultation with the political groups or their nominees.β	Council
6. Following consultation with the Leader and Leader of the Opposition, to suspend the Monitoring Officer or Chief Finance Officer in cases of emergency as defined in the JNC procedure.	Council
7. Following consultation with the Leader and 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.	Council
8. To make payments or provide other benefits in cases of maladministration etc in accordance with s92 of the Local Government Act 2000.	Council
9. To take any action necessary to ensure the effective development and	Executive and Council

Individual Delegations	Source of Individual Delegated Powers Executive or Council side function
implementation of the Council's key strategies and services.	
10. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.	Executive and Council
11. Representing the Council on partnership or external bodies as required (by Statute or Council).	Executive and Council

β These powers would be used only on production of a report, including financial and legal implications. All decisions taken using these powers must be reported to the next meeting of the relevant committee or Council.

<p>The Corporate Directors for Community, People and Resources</p> <p>All have the following delegated powers and duties</p>	
<p>1. To take any action necessary to ensure the effective and efficient management of their directorate</p>	<p>Council and Executive</p>
<p>2. To act in minor or urgent matters where to delay to a Council Committee meeting would not, in his/her opinion, be in the Council's interest, subject to consultation with the Chief Executive and Leaders of the political groups or their nominees. β</p>	<p>Council</p>
<p>3. To take any action necessary to ensure the effective development and implementation of the Council's key strategies and services relating to their directorate.</p>	<p>Council and Executive</p>
<p>4. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.</p>	<p>Council and Executive</p>
<p>Director of Legal and Governance Services</p> <p>1. To institute, defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where they consider that such action is necessary to protect the Council's interests.</p>	<p>Council</p>
<p>2. To delegate to any officer authority to institute defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where they</p>	<p>Council</p>

	consider that such action is necessary to protect the Council's interests.	
3.	To sign any document necessary to any legal proceedings or proceedings on behalf of the Council unless another person is otherwise authorised by them or by the Council, or required to do so by an enactment.	Council and Executive
4.	To authorise officers to appear in Court on the Council's behalf.	Council
5.	To act as the proper officer for the purposes of Births, Deaths and Marriages, Elections, Key Decisions Schedule and other appropriate legislative requirements.	Council
6.	To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.	Council and Executive
7.	To authorise the affixing of the Council's seal and execution of deeds.	Council and Executive
8.	To keep the Common Seal of the Council in a safe place.	Council
9.	To witness, or authorise others to witness, the affixing of the Common Seal to those documents which, in his or her opinion, should be sealed.	Council

Statutory Officers

Head of Paid Service	Statutory Source of Function
<p>1. Duty to prepare a report setting out proposals on the following matters:</p> <ul style="list-style-type: none"> a. the manner in which the discharge by the authority of their different functions is co-ordinated; b. the number and grades of staff required by the authority for the discharge of their functions; c. the organisation of the authority's staff; d. the appointment and proper management of the authority's staff 	<p>Sections 4 Local Government and Housing Act 1989</p>
<p>2. Duty to arrange for a copy of the report to be sent to each member of the authority</p>	<p>Section 4 Local Government and Housing Act 1989</p>
<p>3. Arrange for the authority to consider the report at a meeting held not more than three months after copies are first sent to members of the authority.</p>	<p>Section 4 Local Government and Housing Act 1989</p>
<p>4. All staff to be appointed on merit</p>	<p>Section 7 Local Government and Housing Act 1989</p>
<p>5. Duty to adopt Standing Orders with respect to staff.</p>	<p>Section 8 Local Government and Housing Act 1899</p>
<p>6. Confidentiality of staff records</p>	<p>Section 11 Local Government and Housing Act 1989</p>
<p>7. Conflicts of interest in staff negotiations</p>	<p>Section 12 Local Government and Housing Act 1989</p>
<p>8. Appointment of Staff</p>	<p>Section 112 Local Government Act 1972</p>

Monitoring Officer	Statutory Source of Function
1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. Establish and maintain registers of member's interests and gifts and hospitality.	Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012
6. Advice to Members on interpretation of the Code.	Members' Code of Conduct
7. Key role in framework for local determination of complaints namely to: a. Decide, in consultation with an Independent Person, whether to dismiss complaints that are outside the Code of Conduct, are considered to be frivolous or vexatious, are about events which took place more than 6 months prior to the receipt of the complaint by the Monitoring Officer, unless there are exceptional circumstances and/or do not merit further investigation on public interest grounds.	Sections 28 – 34 Localism Act 2011

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| <p>b. Decide, taking into account the recommendations of the Standards Working Group following initial consideration of a complaint which of the following options should be pursued:</p> <ul style="list-style-type: none">• the complaint should be investigated;• the matter should proceed no further on the grounds that there is no breach of the Code or that it is not in the public interest to proceed;• there has been a breach of the Code and that a particular sanction should be applied;• that further information should be supplied to the Standards Working Group. <p>c. Appoint an investigator to investigate allegations of misconduct of Members in accordance with the Standards framework.</p> <p>d. Decide, following consideration of an investigation report by the Standards Working Group and taking into account their recommendations, whether a hearing should be held by the Standards Working Group or whether no further action is required.</p> <p>e. Decide, following a local hearing by the Standards Working Group and taking into account their recommendations, whether to take action against a member on the grounds that they have breached the Code of Conduct or to take no action.</p> <p>f. If they feel it appropriate, refer a matter back to the Standards Working Group for further consideration where they disagree with their recommendations following a local hearing.</p> <p>g. If they feel it appropriate, refer a matter to the Governance, Audit, Risk Management and Standards Committee for decision. This can be done where they disagree with the recommendations of the Standards Working Group following a local hearing and further consideration as set out in f. above.</p> | |
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<p>h. Advise Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.</p> <p>In exercising the delegations under a. - b. and d. – e to seriously consider the view of the Independent Person or Standards Working Group as appropriate.</p>	
<p>8. Advice to Members on Compensation or remedy for maladministration.</p>	<p>Section 92 Local Government Act 2000.</p>
<p>9. Advice on vires issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members.</p>	<p>Guidance.</p>
<p>10. Following consultation with the Leader and Leader of the Opposition, to suspend the Head of Paid Service in cases of emergency as defined in the JNC procedure.</p>	<p>Council decision July 2019</p>
<p>11. Following consultation with the Leader and 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.</p>	<p>Council decision July 2019</p>
<p>12. To make minor and administrative changes to the Constitution in order to ensure the aims and principles of the Constitution are given full effect and to make amendments in accordance with changes to the law. All such changes must be reported to the Council as soon as possible after the change is made.</p>	<p>Section 9P Local Government Act 2000</p>
<p>Chief Finance Officer (Section 151 Officer)</p>	<p>Statutory Source of Function</p>
<p>1. Oversight of proper administration of financial affairs.</p>	<p>Section 151 Local Government Act 1972</p>

Chief Finance Officer (Section 151 Officer)	Statutory Source of Function
2. Duty to nominate a member of his/her staff as chief financial officer (if unable to act owing to absence or illness).	Section 114 Local Government Finance Act 1988
3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 Local Government Finance Act 1988
4. Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.	Section 114 Local Government Finance Act 1988
5. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A Local Government Finance Act 1988
6. Duty to report on the robustness of the authority's budget calculations.	Section 25 Local Government Act 2003
7. Duty to report on the adequacy of the authority's proposed financial reserves.	Section 25 Local Government Act 2003
8. Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify.	Section 27 Local Government Act 2003
9. Duty to assist the Council in carrying out regular budget monitoring.	Section 28 Local Government Act 2003

Director of Children's Services	Statutory Source of Function
1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority.	Section 18 Children Act 2004
2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
4. Improving well-being of children in the authority's area.	Sections 10 and 18 Children Act 2004
5. Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
6. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004
7. Responsible for functions conferred on the authority by Part 1 of the Childcare Act 2006.	Section 18 Children Act 2004
8. Responsible for functions conferred on the authority under section 2 of the Childcare Act 2016.	Section 18 Children Act 2004
9. Responsible for any additional functions as the authority consider appropriate	Section 18 Children Act 2004

Director of Adult Social Services	Statutory Source of Function
1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).	Section. [1A] and Schedule 1 of the Local Authority Social Services Act 1970
Director of Public Health	Statutory Source of Function.
1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.	Ss 2B and 73A National Health Service Act 2006.
2. Responsibility for the functions under S111 National Health Service Act – dental public health.	Ss 111 and 73A National Health Service Act 2006.
3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.	Ss249 and 73A National Health Service Act 2006.
4. Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State	Ss 6C(1) and (3) National Health Service Act 2006
5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State's functions.	Ss 7A and 73A National Health Service Act 2006.
6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.	Schedule 1 National Health Service Act 2006
7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.

8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
9. To prepare an annual report on the health of the people in Harrow	S73B(5) National Health Service Act 2006
10. To be a member of the Health and Wellbeing Board	S194(2)(d) National Health Service Act
11. Responsibility for the exercise of all other Local Authority's public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.

Scrutiny Officer	Statutory Source of Functions
To promote the role of the Overview and Scrutiny Committee and its sub-committees, to provide support and guidance to members and officers of the Committee and its sub-committees and to provide support and guidance to members and officers in relation to the functions of the Committee and its sub-committees.	Section 9FB of the Local Government Act 2000.

Part 4

Rules of Procedure

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PART 4

Rules of Procedure

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Council Procedure Rules

1. Annual Meeting of the Council

1.1 Date and Business for Annual Meeting of the Council

1.1.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.

1.2 Appointment of Leader after Whole Council Elections

1.2.1 In a year when there is an ordinary election of Councillors, the Council shall appoint a Leader at its Annual Meeting, which shall be the first meeting of the Council after its whole Council elections.

1.2.2 The Leader shall:

1.2.2.1 Appoint at least two but no more than nine Members as members of the Executive and allocate portfolio holder responsibilities to them.

1.2.2.2 Appoint one of the members of the Executive as Deputy Leader.

1.2.3 The Leader shall hold office as Leader until one of the following circumstances applies:

1.2.3.1 The Council holds its first meeting after the next whole Council elections following his or her election as Leader; or

1.2.3.2 They resign from office; or

1.2.3.3 They are disqualified from being a councillor; or

1.2.3.4 They are removed from office by resolution of the Council

1.2.3.5 They are no longer a councillor.

- 1.2.4 If the circumstances in 1.2.3.1 apply, the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, at the first meeting of the Council held after the circumstances arise.
- 1.2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:
- 1.2.5.1 In the case of the Deputy Leader, the end of the term of office of the Leader;
 - 1.2.5.2 The Leader makes changes to the roles of members of the Executive;
 - 1.2.5.3 They are removed from office by the Leader;
 - 1.2.5.4 They resign from office;
 - 1.2.5.5 They are disqualified from being councillors;
 - 1.2.5.6 They are no longer councillors.
- 1.2.6 Following a Borough Election and until the day of the Annual Meeting; if the Leader has not been re-elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the council, then the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all Group Leaders.

1.3 Other Business at the Annual Meeting of the Council

- 1.3.1 In addition to the appointment of Leader which shall take place at the Annual Meeting in a year in which there is an ordinary election of Councillors, the Annual Meeting will:
- 1.3.1.1 elect a person to preside at the Annual Meeting if the Mayor is not present;
 - 1.3.1.2 elect the Mayor for the Borough of Harrow Council;
 - 1.3.1.3 note the Mayor's appointment of the Deputy Mayor of the Borough;

- 1.3.1.4 receive the results of the Borough Elections (in an election year);
- 1.3.1.5 receive notification from the Leader of the Council of the name of the Member appointed as their Deputy Leader (in an election year)
- 1.3.1.6 receive notification from the Leader of the Council of the number of Members they are appointing to the Executive, their names and their portfolios
- 1.3.1.7 take as read and approve the minutes of the last meeting;
- 1.3.1.8 receive any announcement from the Mayor or Leader;
- 1.3.1.9 receive any declarations of interests from Members;
- 1.3.1.10 establish at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- 1.3.1.11 receive annually the Allocation of Responsibilities (Scheme of Delegation) as set out in Part 3 of this Constitution;
- 1.3.1.12 approve a programme of ordinary meetings of the Council for the year; and
- 1.3.1.13 consider any other business set out in the notice convening the meeting.

1.4 Selection of Councillors on Committees

- 1.4.1 At the Annual Meeting, the Council will:
 - 1.4.1.1 decide which Committees to establish for the Municipal Year;
 - 1.4.1.2 decide the size and terms of reference of those Committees;

- 1.4.1.3 decide the allocation of seats (and reserves) to political groups in accordance with the rules on political proportionality;
 - 1.4.1.4 receive nominations and appoint Councillors to serve on each Committee;
 - 1.4.1.5 appoint a Chair for each Committee as may be appropriate for the Municipal Year;
 - 1.4.1.6 appoint independent members and co-optees to Committees as appropriate
 - 1.4.1.7 make appointments to any joint Committees with other authorities and to outside bodies.
- 1.4.2 As well as allocating Members' seats on Committees, the Council will allocate seats in the same manner for reserve Members. For each Committee, the Council will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Committee. In every case groups shall be entitled to nominate a minimum of three reserves for appointment.

1.5 Replacement of Councillors on Committees, Sub-Committees, advisory bodies etc

- 1.5.1 This Rule shall apply only to those committees or sub-committees or other internal bodies constituted in accordance with the political balance rules
- 1.5.2 Before a replacement of a Councillor appointed to a body may take effect, a minimum of five clear working days written notice shall be given to the Monitoring Officer by a Group Leader (or their nominated representative) of the replacement of one Councillor from their Group for another Councillor from their Group to serve on any committee, sub-committee, advisory panel etc.
- 1.5.3 A **replacement** shall continue in force until further notice as a permanent change unless a further written notice is received in accordance with 1.5.1 above.

- 1.5.4 At the beginning of the relevant meeting to which the replacement applies, the Chair shall advise of the details of any replacements. Details of replacements will be minuted.
- 1.5.5 The appointment of a replacement Councillor under this Procedure Rule shall be deemed to be an expression of the wishes of the relevant political group under the political balance rules and shall be deemed to be an appointment made by the Council, Committee or Cabinet (as appropriate).

2. Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council and listed in the Calendar of Meetings.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings

- 3.1.1 Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:
 - 3.1.1.1 the Council by resolution;
 - 3.1.1.2 the Mayor; or
 - 3.1.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or have failed to call a meeting within 5 clear working days of the presentation of the requisition.
- 3.1.2 If the Chief Finance Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute.

3.2 Business

3.2.1 Business at Extraordinary meetings of the Council shall be restricted to:

- 3.2.1.1 the election of a person to preside if the Mayor is absent;
- 3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;
- 3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

4. Order of Business at Ordinary Meetings

4.1 Arrangement of Items in the Summons

Items to be included in the Summons shall be in any order that is considered appropriate by the Monitoring Officer for the efficient dispatch of the business of that meeting.

4.2 Order of business

4.2.1 Except as qualified by 4.1 and varied by Rule 4.4 the order of business at Ordinary Council meetings shall be to:

- 4.2.1.1 choose a person to preside if the Mayor is absent;
- 4.2.1.2 receive declarations of interest from Members and any dispensations granted by the Governance, Audit, Risk Management and Standards Committee (if any);
- 4.2.1.3 take as read and confirm the minutes of the last meeting;
- 4.2.1.4 receive petitions from Members and the public in accordance with the arrangements for the making of petitions (see Rule 10);

- 4.2.1.5 receive questions from, and provide answers to, the public in accordance with the rule for public questions (see Rule 11);
- 4.2.1.6 deal with any business from the last Council Meeting if necessary;
- 4.2.1.7 receive any announcements from the Leader and/or Portfolio Holders;
- 4.2.1.8 receive reports from the Executive and the Council's Committees and receive questions and provide answers on any of those reports;
- 4.2.1.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees or Scrutiny Sub-Committee, and reports of the Head of Paid Service as appropriate;
- 4.2.1.10 receive questions from, and provide answers to, Members of Council in accordance with the Rules for questions by Members (Rule 12);
- 4.2.1.11 consider motions;
- 4.2.1.12 receive reports and questions about joint arrangements and external organisations;
- 4.2.1.13 receive a statement from the Leader on his or her activities as Leader since the date of the previous Council meeting.

4.3 Leader and Portfolio Holders' Announcements

- 4.3.1 Announcements by the Leader and Portfolio Holders submitted in accordance with Rule 4.2 will be dealt with at ordinary meetings of the Council in the following way:
 - 4.3.1.1 A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as

a separate item and the Leader and / or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;

- 4.3.1.2 The Leader and Portfolio Holders' Announcements will last not more than twenty minutes. Up to 10 minutes will be allowed for the announcements and the remainder of the time will be allowed for questions from Members;
- 4.3.1.3 Members will be permitted to ask questions in relation to the announcements on a "first called, first answered" basis;
- 4.3.1.4 A Councillor asking a question under Rule 4.3.1.3 may ask one supplementary question at the Council meeting at which the Leader's answer is given. The supplementary question must arise directly out of the original question or the reply.
- 4.3.1.5 Leader's Announcements does not apply to Annual, Extraordinary, Council Tax or adjourned meetings of the Council.

4.4 Variation to the Order of Business

- 4.4.1 With the exception of items referred to in 4.2.1.1 and 4.2.1.2 of Rule 4.2, the order of business may be varied on motion without debate so as to give precedence to any question of special importance. If the Mayor proposes the motion it may be put to the vote without being seconded.

5. Arrangements for Meetings

5.1 Time and Place of Meetings

- 5.1.1 Meetings of the Council shall take place at the time and place stated on the summons. Following consultation with the Leaders of each of the political groups and subject to compliance with the Access to Information Rules, the Mayor shall have the power to

alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Council.

5.2 Cancellation of Meetings

5.2.1 The Head of Paid Service and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

6. Notice of and Summons to Meetings

6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the summons signed by the Monitoring Officer will be sent to every Member of the Council. The summons will give the date, time and place of the meeting and specify the business to be transacted. It will be accompanied by all relevant reports.

6.2 If there is a request to add an item to the Summons after the statutory deadline for publication, that item may only be considered if the Mayor (as Chair of the Council) agrees, by virtue of the special circumstances set out either in the report or on the supplemental Summons, that the item should be considered as a matter of urgency and then specified in the minutes of the meeting.

6.3 This provision does not apply to any item raised under Rule 15.2 (Urgent Motions) which the Council agrees to accept as an item of business.

7. Person to Preside

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor.

8. Quorum

8.1 The quorum of a meeting of the Council will be one quarter of the whole number of Members.

8.2 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Mayor may decide, a quorum is not present,

the meeting will not take place. The Mayor may announce the date and time that the meeting will be convened.

- 8.3** During any meeting if the Mayor counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Duration of Meetings

9.1 Commencement and Closure

Meetings of the Council will commence at the time set on the agenda and continue for 3 hours, except as determined under Rule 9.2 or where the Council is:

- (a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
- (b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

9.2 Varying the Closure Time

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

9.2.1.1 the business of the meeting has been completed before 3 hours have expired; or

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

- (a) to continue in the normal manner and complete the business remaining on the summons; or
- (b) to determine a later time by when the meeting must close and, if the business is not completed by that later

time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate;

(c) no meeting will continue past 10.30 pm.

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

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

9.3 Determining Business Upon Closure

9.3.1 At the time of closure the Mayor will advise the Council that the procedure to terminate the meeting is to be applied;

9.3.2 Any speech commenced and then in progress, in accordance with Rule 16.4, shall be concluded;

9.3.3 The Mayor will put any motion or recommendation of a Committee then under consideration to the vote without further discussion;

9.3.4 All remaining business before the Council (inclusive of Committee recommendations, motions and amendments, of which written notice has been given to the Mayor prior to the meeting), shall be put to the vote without discussion or further amendment;

9.3.5 The right to ask an oral question on any matter before the Council at that meeting shall be lost but a subsequent written answer shall be given by the Leader or relevant Committee Chair or Portfolio Holder to any question to them already notified in writing.

10. Petitions

10.1 Presentation of Petitions

10.1.1 All petitions received shall normally be dealt with in accordance with the Council's Petition Scheme (at Appendix A to these Rules) and will be referred to the appropriate Council Committee or sub-

committee, or to the Executive, Portfolio Holder, Advisory Panel or Consultative Forum of the Executive. If the petitioners request that the petition be presented at a meeting of Council this can be done in the following ways:

- 10.1.1.1 a representative of the petitioners may attend at the time stated for the start of the Council meeting and request to read the petition to the meeting;
 - 10.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;
 - 10.1.1.3 the petitioners may send the petition to the Monitoring Officer and request for the Mayor to read the petition.
- 10.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Mayor determines that this time limit should be extended or reduced.

10.2 Notice and Consideration of Petitions

- 10.2.1 There is no need for any advance notice to be given of the wish to present a petition to Council.
- 10.2.2 After all petitions have been read they shall stand to be dealt with in accordance with the Petition Scheme and will usually be referred to the appropriate Council Committee, sub-committee or Executive, Advisory Panel, Consultative Forum or Portfolio Holder. Subject to 10.2.3 unless the Mayor decides otherwise, no discussion shall take place on any petition.
- 10.2.3 Petitions that meet the criteria set out in Section 6 of the Petition Scheme will be considered by the Council in accordance with the provisions of that Section.

11. Public Questions

11.1 General

- 11.1.1 Members of the public may ask questions of Members of the Executive, Portfolio Holders and Chairs of Council Committees at

ordinary meetings of the Council. Questioners will not be allowed to address the Council generally on a matter, they may only ask questions.

11.2 Time Limit for Questions

11.2.1 There will be a time limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached no further questions can be asked but a questioner can complete a question or a supplemental question, and the Member can complete a reply. Unless the Mayor permits otherwise, a reply to a question shall not exceed three minutes. If the Member answering believes that a longer response is necessary, an oral summary will be given and a full reply shall be completed in writing. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council and be recorded in the Minutes of the meeting.

11.3 Order and Notice of Questions

11.3.1 Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions.

11.3.2 A question may only be asked if notice has been given in writing or by electronic mail to the Monitoring Officer at publicquestions@harrow.gov.uk no later than 3.00 pm two clear working days before the day of the meeting. Each question must be emailed submitted by the questioner, identifying their name, address, and where appropriate e-mail address, and give the name of the Member to whom it is to be put.

11.3.3 Without prejudicing 11.3.2 above, where a report is circulated after the normal Council agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing or by electronic mail to the Monitoring Officer at publicquestions@harrow.gov.uk no later than **3.00 pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member to whom it is to be put.

- 11.3.4 The Member to whom any question is put may arrange for another Member to answer on their behalf.
- 11.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address or postal address.

11.4 Number of Questions

- 11.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Mayor may reject a supplemental question if it falls within any of the categories in paragraph 11.5 below.

11.5 Scope of Questions

- 11.5.1 The Mayor on the advice of the Monitoring Officer may, on giving reasons, reject a written question if it:
- 11.5.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper
 - 11.5.1.2 does not relate to a matter for which the Council has powers or duties; or
 - 11.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or
 - 11.5.1.4 would require the disclosure of confidential or exempt information; or
 - 11.5.1.5 is substantially the same as a question which has been put at any meeting of the Council in the last six months.
- 11.5.2 No invalid questions will be circulated.

11.6 Record of Public Questions

- 11.6.1 The Monitoring Officer will make the public questions available for the public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

- 11.6.2 Copies of all valid questions will be circulated to all Members and will be made available to the public at the meeting.

11.7 Asking Questions at the Meeting

- 11.7.1 The Mayor will invite the questioner to put the question to the Member named in the notice or other Member nominated to answer.
- 11.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may either:
- 11.7.2.1 ask the question on the questioner's behalf; or
 - 11.7.2.2 indicate that a written reply will be given; or
 - 11.7.2.3 decide that, in the absence of the questioner, that the question will not be dealt with.

11.8 Written Answers

- 11.8.1 Any question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council.

11.9 Reference of a Question to the Executive, a Portfolio Holder, Committee, Advisory Panel or Consultative Forum

- 11.9.1 Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive, Portfolio Holder, Advisory Panel or Consultative Forum of the Executive or appropriate Council Committee or sub-committee. Such a motion will be voted on without discussion.

12. Member Questions

12.1 Questions Without Notice

- 12.1.1 A Member of the Council may ask a Member of the Executive, or Chair of a Committee any question without notice upon an item in a

report of the Executive or a Committee when that item is initially proposed and prior to the commencement of formal debate by the Council.

- 12.1.2 Questions asked under this Rule shall be asked and answered at the time the matter relating to the question is under consideration.

12.2 Questions With Notice

- 12.2.1 Subject to Rule 12.3, a Member of the Council may ask a Member of the Executive or the Chair of any Committee a question (which depending on its nature may be dealt with in either public or private session) on any matter in relation to which the Council has powers or duties or which affects the London Borough of Harrow.

- 12.2.2 A limit of 15 minutes shall be given to the asking of written questions by Members under this Rule.

12.3 Notice of Questions

- 12.3.1 A Member may only ask a question under Rule 12.2 if either:
- 12.3.1.1 they have submitted such question by 3.00 pm, two clear working days before the day of the meeting in writing, of the question to the Monitoring Officer; or
 - 12.3.1.2 without prejudicing 12.3.1.1 above, where a report is circulated after the normal Council agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing to the Monitoring Officer no later than **3.00 pm ONE** clear working day before the date of the meeting; or
 - 12.3.1.3 the question relates to urgent matters, and they have the consent of the Committee Chair or Executive Member to whom the question is to be put and the content of the question is given to the Monitoring Officer by 12.00 noon on the day of the meeting.
- 12.3.2 Questions will be answered strictly in accordance with the order in which they are received by the Monitoring Officer.

12.4 Response

- 12.4.1 An answer may be given by the Member to whom the question was asked or by such other member as is considered appropriate.
- 12.4.2 An answer may take the form of:
- 12.4.2.1 a direct oral answer;
 - 12.4.2.2 where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - 12.4.2.3 where the reply cannot conveniently be given orally a written answer will be supplied. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council and be recorded in the Minutes of the meeting.

12.5 Supplementary Question

- 12.5.1 A Member asking a question under Rule 12.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12.6 Limits to the Length of Questions and Responses

- 12.6.1 A questioner may only ask a direct question and may not seek to address the meeting on any issues arising.
- 12.6.2 A Member giving an answer may speak for no longer than three minutes in replying to that question (two minutes in respect of a supplemental question). If a Member believes that a longer answer is necessary an oral summary will be given and a full reply shall be completed in writing. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council and be recorded in the Minutes of the meeting.

12.7 Referral to the Executive, a Portfolio Holder or a Committee

12.7.1 Every question shall be put and answered without discussion. Any Member can move that the matter raised by the question be referred to the Executive, Portfolio Holder or appropriate Committee or sub-committee. Once seconded such a motion shall be voted upon without discussion.

12.8 Invalid Questions

12.8.1 The Mayor may, in consultation with the Monitoring Officer rule out of order questions which in his or her opinion:

12.8.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper; or

12.8.1.2 do not relate to a matter for which the Council has powers or duties or do not affect the London Borough of Harrow; or

12.8.1.3 would require the disclosure of confidential or exempt information; or

12.8.1.4 are substantially the same as a question which has been put at any meeting of the Council in the last six months.

12.8.2 No invalid questions will be circulated.

13. Recommendations from the Executive, Committees and Statutory Officers

13.1 Receipt of Recommendations from the Executive

13.1.1 The Executive shall make recommendations to the Council on any matter that is within the Council's functions falling to the Council to determine or on which the Executive is required to consult with or obtain the approval of the Council. Such recommendations shall be moved by the Leader. A seconder to such a motion is not required.

13.2 Receipt of Recommendations from Committees

13.2.1 The Council shall consider recommendations made to it by Committees on matters falling within the Council's terms of reference. The recommendation shall be moved by the Chair of that Committee. A seconder to such a motion is not required.

13.3 Order of Recommendations

13.3.1 Recommendations to the Council from the Executive or a Committee shall be placed on the summons by the Monitoring Officer in such order as seems most convenient for the conduct of the business of the Council. They shall be considered in the order on the summons unless the Mayor proposes to vary the order of business under Rule 4.4.

13.4 Receipt of Recommendations from Statutory Officers

13.4.1 The Head of Paid Service may make reports to Council as necessary. The Head of Paid Service, Monitoring Officer, Section 151 Officer, Director of Children's Services and Director of Adult Social Services may report to Council as required by statute in the exercise of their statutory responsibilities.

14. Items affecting the employment of officers

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

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

14.3 Rule 12.1 (Questions without notice) shall apply with a modification that questions may also be asked of the officer who is the subject of the item.

15. Motions

15.1 Notice

15.1.1 Except for motions that can be moved without notice under Rule 15, and urgent motions under Rule 15.2, written notice of every motion,

signed by at least two Members, must be delivered to the Monitoring Officer not later than 5.00 pm six clear working days before the date of the meeting. All motions will be entered in a document open to public inspection.

Examples of this deadline

Day of meeting	Motion must be with Monitoring Officer by 5.00 pm
Monday 17 th	Thursday 6 th
Tuesday 18 th	Friday 7 th
Wednesday 19 th	Monday 10 th
Thursday 20 th	Tuesday 11 th
Friday 21 st	Wednesday 12 th

15.2 Urgent Motions

15.2.1 A motion, which would otherwise require notice under Rule 15.1 may be moved without prior notice providing:

15.2.1.1 a copy of the motion signed by at least two Members is delivered by 5.00 pm on the day of the meeting to the Monitoring Officer;

15.2.1.2 written reasons for urgency are given by the mover with the motion; and

15.2.1.3 the Council agrees, without debate, to accept the motion.

15.2.2 The Monitoring Officer will make copies available to every Member of Council at the start of the meeting or earlier if practicable.

15.3 Motions Set Out in Summons

15.3.1 Motions for which notice has been given under Rule 15.1 will be listed on the summons in the order in which notice was received.

15.3.2 Notices of motion on the summons shall state the names of the two Members proposing and seconding the motion.

15.4 Invalid Motions

- 15.4.1 The Mayor may, in consultation with the Monitoring Officer rule out of order motions which in his or her opinion:
- 15.4.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper
 - 15.4.1.2 do not relate to a matter for which the Council (as local authority) has powers or do not affect the London Borough of Harrow; or
 - 15.4.1.3 would require the disclosure of confidential or exempt information; or
 - 15.4.1.4 are substantially the same as a motion which has been put at any meeting of the Council in the last six months.
- 15.4.2 No invalid motions will appear on the Council agenda or be otherwise circulated.

15.5 Motions Relating to Reports and Recommendations on the agenda

- 15.5.1 Where the Mayor considers it appropriate, any motion for which notice has been duly given and which relates to any recommendation of the Executive or a Committee or a statutory officer to be considered at the same meeting, may be treated as an amendment to such recommendation and shall be considered at the same time as the recommendation is considered.

15.6 Motions Relating to a Matter Delegated to the Executive or a Committee

- 15.6.1 If the Mayor, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Member may move that any such referral should not apply to a motion, and if seconded, that motion shall be put to the vote without any discussion. Provided that after disposal of any motions relating to business reserved to the Council the Leader of the Opposition may move one motion at a meeting of

Council (excluding the Annual Meeting) relating to a matter within the powers of the Executive which shall not stand automatically referred to the next meeting of the Executive but shall be dealt with as if paragraph 15.7.1 below applied, such motion having been identified to the Director of Legal and Governance Services at the time of the deadline for submissions of motions.

15.7 Motions Stand referred to the Executive under Rule 15.6

15.7.1 If a motion is marked on the Summons as to stand referred to the Executive under Rule 15.6, then where Council decides to disapply the referral and allow the matter to be debated, the Council can make no decision on the matter but may make a recommendation or pass comments to the Executive.

15.7.2 The Executive shall not be bound to accept any such recommendation or act on any such comments.

15.8 Motions calling for a Report

15.8.1 A motion which calls for a report on a given matter and which has been signed by six Members of the Council shall be referred without discussion to the next meeting of the Executive or appropriate Committee, or to a Portfolio Holder. A report from the Executive, Portfolio Holder or Committee shall be submitted to the Council within a maximum of four months unless the Council agree a longer period.

16. Motions Without Notice

16.1 Motions that may be moved by any Member without notice

16.1.1 The following motions may be moved without notice by any Member:

16.1.1.1 in the absence of the Mayor of the Council, to appoint the Deputy Mayor or another Member to preside at the meeting at which the motion is moved;

16.1.1.2 in relation to the accuracy of the minutes;

16.1.1.3 to change the order of business on the agenda;

- 16.1.1.4 to refer a matter to an appropriate body or individual;
- 16.1.1.5 to appoint a Committee or Member arising from an item on the summons for the meeting;
- 16.1.1.6 to receive recommendations or reports from the Executive, a Portfolio Holder, Committee or an officer and any resolutions following from them;
- 16.1.1.7 to withdraw a motion;
- 16.1.1.8 to amend a motion;
- 16.1.1.9 to extend the time limit for speeches;
- 16.1.1.10 that the meeting continue beyond three hours in duration;
- 16.1.1.11 to suspend a particular Council Procedural Rule;
- 16.1.1.12 to exclude the press and public in accordance with Rule 11 of the Access to Information Procedure Rules;
- 16.1.1.13 to not hear further a Member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and
- 16.1.1.14 to give the consent of the Council where its consent is required by this Constitution.

16.2 Motions relating to Closure of Debate, Adjournment and Next Business

- 16.2.1 The following motions may be moved without notice by any Member who has not spoken on the matter under debate at the close of any speech:
 - 16.2.1.1 that the Council meeting be adjourned with immediate effect;
 - 16.2.1.2 that the debate be adjourned to the next meeting of the Council;
 - 16.2.1.3 that the Council proceed to the next item of business on the agenda;

16.2.1.4 that the question be now put without further debate.

16.3 Limits to the Right to Move Motions Under 15.2

16.3.1 The Mayor shall have the power to refuse to accept a motion under 15.2 if, in their opinion, they consider it to be premature.

16.4 Further Provisions Relating to Motions Under 15.2

16.4.1 When a motion to adjourn is carried, the Mayor shall determine which Member shall have the right to open the debate when resumed.

16.4.2 When a motion that the question be now put is carried the mover of the motion previously under discussion shall have the right to reply before the vote is taken on that motion or on an amendment to that motion if they have not already spoken to the amendment.

17. Rules of Debate

17.1 No Speeches Until Motion Seconded

17.1.1 No speeches may be made until after the mover has moved a proposal and explained the purpose of it and the motion has been seconded.

17.2 Right to Require Motion in Writing

17.2.1 Unless written notice of the motion has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

17.3 Seconders' Speech

17.3.1 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

17.4 Content and Length of Speeches

17.4.1 This Rule does not apply to motions moved under Rule 16, which must (except as stated in Rule 16) be moved and seconded without speeches.

- 17.4.2 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 17.4.3 Subject to sub-paragraph 17.4.4 the speech of a proposer of a motion or of an amendment shall not exceed five minutes and no other speech shall exceed three minutes.
- 17.4.4 The Mayor may allow speeches to continue for a longer period where they consider that it is the wish of the Council that they should do so.
- 17.4.5 Rule 17.4.3 does not apply where the Council is:
- (a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
 - (b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

17.5 When a Member May Speak Again

- 17.5.1 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 17.5.1.1 to speak once on an amendment moved by another Member;
 - 17.5.1.2 to move a further amendment if the motion has been amended since they last spoke;
 - 17.5.1.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they first spoke was carried);
 - 17.5.1.4 in exercise of a right of reply;
 - 17.5.1.5 on a point of order; and
 - 17.5.1.6 by way of personal explanation.

17.6 Amendments to Motions

17.6.1 An amendment to a motion must be relevant to the motion and will either be:

17.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;

17.6.1.2 to leave out words;

17.6.1.3 to leave out words and insert or add others;

17.6.1.4 to insert or add words;

as long as the effect of 17.6.1.2 to 17.6.1.4 is not to negate the motion or to introduce a new proposal.

17.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

17.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

17.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

17.6.5 Except when the provisions in Rule 9.2.1.2(b) and 9.3 are being used, after an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

17.7 Alteration of a Motion by the Mover

17.7.1 When first moving it, a Member may alter a motion of which they have given notice with the consent of the meeting and the seconder. The meeting's consent will be signified without discussion.

17.7.2 A Member may also alter a motion, which they have moved without notice, during the meeting, with the consent of the meeting and the

seconder. The meeting's consent will be signified without discussion.

- 17.7.3 Only alterations, which could be made as an amendment may be made.

17.8 Withdrawal of a Motion

- 17.8.1 A Member may withdraw a motion, which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless that permission has been refused.
- 17.8.2 If a motion set out in the summons is not moved by one of the two signatories to the notice of motion, or by some other Member on their behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

17.9 Right of Reply

- 17.9.1 The mover of a motion (including a substantive motion following an approved amendment) has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 17.9.2 The mover of the original motion may speak once on the amendment either during the debate on the amendment or as a right of reply at the close of the debate on the amendment.
- 17.9.3 The mover of an amendment has no right of reply to the debate on his or her amendment.
- 17.9.4 A Member exercising a right of reply shall not introduce new matters, and, after every right of reply to which this Rule refers, a decision shall be taken without further discussion.

17.10 Motions that may be Moved During Debate

- 17.10.1 When a motion is under debate, no other motion may be moved except the following procedural motions:
- 17.10.1.1 to withdraw a motion;

- 17.10.1.2 to amend a motion;
- 17.10.1.3 to proceed to the next business;
- 17.10.1.4 that the question be now put;
- 17.10.1.5 to adjourn a debate;
- 17.10.1.6 to adjourn the meeting;
- 17.10.1.7 that the subject of debate be referred to or be referred back to the Executive, a Portfolio Holder or a Committee;
- 17.10.1.8 that the meeting continue beyond three hours in duration;
- 17.10.1.9 to exclude the press and public in accordance with Rule 12 of the Access to Information Procedure Rules; and
- 17.10.1.10 to not hear further a Member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4.

17.11 Point of Order

- 17.11.1 A Member may raise a point of order at any time and shall indicate their wish to do so by addressing the Mayor. The Mayor will hear it immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or of the law. The Member must start by identifying the Rule or law and the way in which they consider it to have been broken. The ruling of the Mayor on the matter will be final.

17.12 Personal Explanation

- 17.12.1 A Member who has been named by another Member may seek to make a personal explanation if the named Member believes that an earlier speech by the named Member during the meeting has been misunderstood. A Member shall indicate their wish to make a personal explanation by addressing the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

18. Previous Decisions and Motions

18.1 Motion to Rescind a Previous Decision

18.1.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the Members of the Council.

18.2 Motion Similar to One Previously Considered

18.2.1 A motion or amendment in similar terms to one that has been considered at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one quarter of the Members of the Council.

18.3 Not to Apply to Recommendations

18.3.1 This Rule does not apply to motions in pursuance of a recommendation to Council made by the Executive, a Portfolio Holder or a Committee under Rules 13.1 and 13.2.

19. Voting

19.1 Majority

19.1.1 Unless required by Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

19.2 Mayor's Casting Vote

19.2.1 If there is an equal number of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

19.3 Individual Recorded Vote and Explanation for Vote

19.3.1 If immediately before the vote is taken any Member present at the meeting requests that their vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

19.3.2 A recording of a vote or abstention in the minutes shall be made without explanation save in cases where it is necessary for the avoidance of ambiguity, when a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

19.4 Recorded Vote at Annual Council Tax Meeting

19.4.1 At any meeting of the Council where a decision is taken on the setting of council tax or budget, then the vote of each member present for or against or not voting shall be so recorded in the minutes.

19.5 Recorded Vote by Roll Call

19.5.1 If immediately before an ordinary vote is taken 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.6 Voting on Appointments

19.6.1 If there are more than two people nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be disregarded and a fresh vote shall be taken. The process shall be repeated until a majority of votes is given to one person.

19.6.2 The provisions of sub-paragraph 19.6.1 shall apply to each appointment to an outside body. If the Council is required to appoint more than one person to a position on an outside body, the appointment to each position shall be treated as a separate appointment.

20. Minutes

20.1 Signing the Minutes

20.1.1 The Mayor will sign the minutes of the proceedings at the next available meeting. The Mayor will move that the minutes of the

previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

20.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary meeting

20.2.1 Where in relation to any meeting, the next meeting for the purposes of signing the minutes is a meeting called under paragraph 3 of Schedule 12 of the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20.3 Minutes of Decisions of the Council

20.3.1 Minutes of the Council shall be published on the Council's intranet and website. Minutes shall be published within 5 clear working days of the date of the meeting.

21. Record of Attendance

21.1 All Members present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.

22. Exclusion of The Press & Public

22.1 Members of the public and press may only be excluded either in accordance with Rule 12 of the Access to Information Procedure Rules in Part 4 of this Constitution or under Rule 25 (Disturbance by the Public).

23. Members' Conduct

23.1 Standing to Speak

23.1.1 When a Member speaks at a meeting of Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of

personal explanation. This rule will not apply to those with disabilities or who are otherwise unable to stand.

23.2 Mayor Standing

23.2.1 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

23.3 Member not to be Heard Further

23.3.1 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further for the remainder of the item of business being considered. If seconded, the motion will be voted on without discussion.

23.4 Member to Leave the Meeting

23.4.1 If the Member continues to behave improperly after such a motion under 23.3.1 is carried, the Mayor may move that either the Member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General Disturbance

23.5.1 If there is a general disturbance making business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

24. Confidential Business

24.1 All reports, other documents, information, discussions and proceedings of the Council which are marked "Exempt" under Schedule 12A of the Local Government Act 1972, or "Confidential", must be treated as such by all Members of the Council. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document.

24.2 Confidential and/or exempt items will be discussed in 'Part II' of the Council meeting following a resolution to exclude the press and public.

25. Disturbance by the Public

25.1 Removal of Member of the Public

25.1.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

25.2 Clearance of part of a Meeting Room

25.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

25.3 Adjournment

25.3.1 Following an order by the Mayor for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Mayor may adjourn the meeting for as long as they think necessary.

25.3.2 If it is considered expedient so to do, the Mayor with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

26. Suspension and Amendment of Council Procedure Rules

26.1 Suspension

26.1.1 All of these Council Rules of Procedure except Rules 18.3, 19.2, 21, 25 and 27.1 may be suspended by motion on notice, or without notice if at least one half of all Members of the Council are present, and where such motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

26.2 Amendment and Revocation

26.2.1 Any motion, which has the effect of amending, or revoking any part of the Council's Procedural Rules shall, when proposed or seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

27. Ruling of the Mayor on Interpretation of these Rules

- 27.1** The Mayor's ruling on the interpretation or application of any of the Council Procedure Rules is final.

Part 4 – Appendix A

Petition Scheme

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Petition Scheme

1. Petitions

- 1.1. Harrow Council recognises that petitions can be a good way to highlight issues that people feel strongly about. A petition may be used by people who live, work or study in the borough to formally register a collective request or concern about the Council or its services. We will consider and respond to all petitions we receive.
- 1.2. We will treat as a petition anything that is identified as a petition or seems to us intended to be a petition.
- 1.3. Paper petitions can be sent to the address below for the attention of the relevant corporate director as follows:

Post	Functions and areas of responsibility
Corporate Director, People	Community Care, Mental Health, Health Partnerships, Adults and Elderly People, Housing and Libraries. Safeguarding & Family Support, Young People's Services, Special Needs and Education Support, Schools and Colleges
Corporate Director, Place	Leisure & Cultural Services, Environment Services, Planning, Parking, Traffic, Parks and Open Spaces, Street Cleaning, Conservation, Licensing, Rubbish and Recycling, Housing and Libraries.
Corporate Director, Resources	Finance, Access Harrow, Council Tax, Electoral Registration, Marriages and Civil Partnerships, Council and Democracy.

Address:

Harrow Council
Democratic Services
PO Box 1358
Harrow HA3 3QN

- 1.4. Alternatively, petitions may be presented at a meeting of the Council, Executive or a committee. Please follow [Harrow Council Constitution webpage](#) to the Council's Constitution which contains Procedure Rules for the Council, the Executive and the committees. These rules explain the

procedure for presenting petitions at meetings of the different bodies and what will happen to the petitions.

2. What must a petition include?

2.1 Petitions submitted to the Council **must** include

- a clear and concise statement covering the subject of the petition, including the action the petitioners wish to take; and
- the names addresses and signatures of people who support the petition and who live, work or study in the Borough of Harrow. The address given must be a home, work or study address in the Borough.

2.2 Petitions should be accompanied by contact details, including an address and telephone number, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

2.3 If a petition does not follow the guidelines set out above, we may decide not to do anything further with it. In that case we will write to you to explain this.

2.4 In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss any revised timescale which will apply.

3. What will the Council do when it receives a petition?

3.1 The relevant department will send an acknowledgement to the petition organiser within 15 working days of receiving the petition. The acknowledgement will explain what will happen next and when they can expect to hear from the department again.

3.2 If the department think it is appropriate to take the action requested immediately, the acknowledgement will explain this, and the petition will be closed.

3.3 If another procedure is more suitable for dealing with the petition the petition organiser will be informed of this.

3.4 No action will be taken on a petition which the relevant Corporate Director considers is vexatious, abusive or otherwise inappropriate, and the reasons for this will be explained in their acknowledgement of the petition.

3.5 If the petition concerns a particular area of Council business, it will usually be referred to a committee or sub-committee or other body that deals with that area and may be considered at a meeting. Alternatively, the relevant Corporate Director or Portfolio Holder may respond to the petition. Committee meetings are usually held in public, so people who are interested in the petition will be able to observe any discussion that takes place. If the petition

has over 2000 signatures it will be presented at a meeting of full Council (see section 5 below).

4. Petitions involving partners / other authorities

- 4.1 If the petition is about an issue over which we have no direct control (for example the local hospital) we will consider referring the matter to the Executive to take up the matter on behalf of the community with the relevant body. We work with a large number of official partners and where possible will work with these partners to respond to your petition. If we are unable to do this then we will explain why.
- 4.2 If the petition is about something that is the responsibility of a different Council we will forward the petition to that Council, or take other appropriate action, and will notify the petition organiser about what we have done.

5. Petitions with over 2000 signatures

- 5.1 If a petition contains more than 2000 signatures of people who live, work or study in the Borough (the address in the Borough at which they live, work or study must be provided), it will be considered / debated at a meeting of full Council. The Council will try to consider the petition at its next meeting, although in some circumstances this may not be possible - for example, when the petition is submitted too close to the meeting date, in which case consideration will take place at the following meeting. The petition organiser will be invited to the meeting to read the terms of the petition to the meeting and the petition will then be discussed by Councillors. The presentation must last no longer than one minute and the discussion by councillors will last a maximum of 10 minutes.
- 5.2 Following consideration / discussion full Council may refer the petition to the Cabinet, a committee or a Corporate Director to determine the matter, taking into account the views expressed by full Council.
- 5.3 The petition organiser will receive written confirmation of this decision. This decision will also be published on our website as part of the minutes of full council.

6. E-petitions

- 6.1 We welcome e-petitions which are created and submitted through a website which offers this facility. E-petitions must follow the same guidelines as paper petitions set out above.
- 6.2 It is possible to have the same petition in paper form and e-petition form at the same time, although signatories should only sign one copy of the petition.

7. Alternatives to a petition

- 7.1 There are other ways in which you can let us know what you think about our actions and decisions that may be more appropriate than a petition. Follow <https://www.harrow.gov.uk/complaints> to see how else you can have your say.

Committee Procedure Rules

1. Application of these Rules

1.1 These Rules are made up of the following sections:

1.1.1 Rules 1 to 27 apply to all committees, sub-committees and panels of the Council. These are currently:

1.1.1.1 Governance, Audit, Risk Management and Standards Committee

1.1.1.2 Licensing and General Purposes Committee and its panels: Chief Officers' Employment Panel, Licensing Panel, Personnel Appeals Panel and Social Services Appeals Panel

1.1.1.3 Planning Committee

1.1.1.4 Overview and Scrutiny Committee, its Performance and Finance, Health & Social Care and Call-In Sub-Committees

1.1.1.5 Pension Fund Committee

1.1.1.6 Pension Board

1.1.1.7 Appeals Committee

1.2 **Rules 28 to 29** set out additional rules which apply to the Planning Committee.

1.3 These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

2. Establishment of Committees

2.1 The Council at its Annual Meeting will:

2.1.1 decide which Committees to establish for the Municipal Year;

2.1.2 decide the size and terms of reference of these Committees;

- 2.1.3 decide the allocation of seats on these Committees to the political groups in accordance with the rules on political proportionality;

Note: These Rules do not apply to Advisory Panels of the Executive.

- 2.2 The number and names of Members, independent members and co-optees appointed to each Committee and the details of any sub-committees and panels established by Committees can be found in Part 3 of the Constitution (Allocation of Responsibilities).

3. **Appointment of Reserves to Committees and Sub-Committees and Panels**

3.1 **Allocation**

The Council will allocate seats on Committees and sub-committees and panels for members and Reserves.

3.2 **Number**

- 3.2.1 For each Committee, sub-committee or panel, the Council will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Committee or sub-committee or panel. If a group has an entitlement of fewer than three Members they may appoint three reserve Members on the Committee or sub-committee or panel.

3.3 **Powers and Duties**

- 3.3.1 Reserve Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving.

3.4 **Reserving**

- 3.4.1 Reserve Members may attend meetings in that capacity only:
 - 3.4.1.1 to take the place of an ordinary Member for whom they are a reserve;
 - 3.4.1.2 where the ordinary Member will be absent for the whole of the meeting;

- 3.4.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and
 - 3.4.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.
- 3.4.2 For the purposes of section 3.4.1.2 only, a meeting adjourned to another day shall be treated as a new meeting. If a reserve member attends the meeting and the meeting is adjourned, then the reserve member must attend both parts of the meeting, otherwise it should be treated as a new meeting.
- 3.4.3 If a Reserve Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

4. Attendance of Members at Committees, Sub-Committees and Panels

4.1 No right to speak

- 4.1.1 Any Member of the Council may attend meetings of Committees, sub-committees and panels. Subject to the paragraph below on "motions referred to Committees, Sub-Committees or Panels", Councillors who are not ordinary members and attending Reserve Members of the Committee, sub-committee or panel may not speak at meetings unless the Committee, sub-committee or panel agrees that the Member concerned may speak, or, the Member has been invited to the Committee, sub-committee or panel to speak.

4.2 Motions referred to Committee, Sub-Committees or Panels

- 4.2.1 A Member of the Council who has proposed a motion which has been referred to a particular Committee or sub-committee, shall be given at least three clear working days' notice of the meeting at which the motion will be considered, by the Monitoring Officer. If the Member attends the meeting but is not an ordinary Member or

attending Reserve member of that Committee, sub-committee or panel, they shall have an opportunity to explain the motion to the Committee, sub-committee or panel.

5. Appointment of Sub-Committees and Panels

5.1 Committees of the Council may establish sub-committees and panels with such terms of reference and delegated powers, as they consider necessary for the proper discharge of the functions of the Committee.

5.2 Committees may appoint ordinary and reserve Members to sub-committees and panels in accordance with the rules on political proportionality, pursuant to section 15 of the Local Government and Housing Act 1989 and subordinate legislation. Committees may also appoint non-voting co-opted members to sub-committees and panels.

5.3 The Licensing Panel must be made up of 3 ordinary members of the Licensing and General Purposes Committee.

6. Nominated Members

Minority groups shall nominate from amongst their Members on Committees and sub-committees, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Members of the Committee concerned.

7. Chairing Committees, Sub-Committees and Panels

7.1 Election of a Chair of a Committee

7.1.1 The Chairs of Committees of the Council will be appointed by the Council under Rule 1 of the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

7.2 Election of Chair of Sub-Committee or Panels

7.2.1 Where any Committee establishes a sub committee or panel the Committee shall appoint the Chair of the sub-committee or panel. If a Committee fails to appoint a Chair to a sub-committee or panel

then the sub-committee or panel shall appoint a Chair as the first item of business.

7.2.2 The Committee, sub-committee or panel shall appoint a Vice Chair at its first meeting following the Annual Council.

7.3 **Absence of Chair at Meetings of Committees, Sub-Committees and Panels**

7.3.1 In the absence of the Chair, the Vice-Chair shall preside.

7.3.2 If after 15 minutes since the identified start time of the Committee, Sub-Committee or Panel neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

7.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned in 7.3.2 above, the first order of business shall be to elect a Chair for the meeting.

8. **Business not on the Agenda**

8.1 Business not on the agenda may only be considered where:

8.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or

8.1.2 a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

8.2 **Late and Urgent Reports marked “to follow on the Agenda”**

8.2.1 If there is a request to publish a report on an agenda after the statutory deadline for publication, that item may only be considered if the Chair (after consulting the Nominated Member) agrees by virtue of the special circumstances set out either in the report or on

the supplementary agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

9. Time and Place of Meetings

9.1 Meetings of Committees, sub-committees and panels shall take place at the place and time stated on the agenda. Following consultation with the nominated Members and subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Committee, sub-committee or panel.

9.2 For those sub-committees or panels not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Members of the sub-committee or panel.

10. Cancellation of Meetings

10.1 The Monitoring Officer may cancel a meeting of any Committee, sub-committee either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

11. Calling of Special Meetings

11.1 Calling Special Meetings

11.1.1 Those listed below may request the Monitoring Officer to call Committee, sub-committee or panel meetings in addition to ordinary scheduled meetings:

11.1.1.1 the Committee, sub-committee or panel by resolution;

11.1.1.2 the Chair of the Committee, sub-committee or panel. In relation to the Overview and Scrutiny Committee or relevant Scrutiny sub-committee, the Chair must, before requesting the Monitoring Officer to call a special meeting, consult with the nominated members of each of the political groups represented on the Overview and Scrutiny Committee or Scrutiny sub-committee;

- 11.1.1.3 at least one-third of the members of the Committee, sub-committee or panel, if they have signed a requisition presented to the Chair of the Committee, sub-committee or panel and they have refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

11.2 **Business**

- 11.2.1 Business at special meetings of Committees, sub-committees and panels shall be restricted to the items notified in the published agenda.

12. **Notice of and Summons to Meetings**

- 12.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the Monitoring Officer will publish an agenda. The agenda will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by all relevant reports.

13. **Quorum**

- 13.1 The quorum of a meeting will be at least one quarter or three Members, whichever is the greater, of the whole number of members of the Committee, sub-committee or panel, with the exception of the Overview and Scrutiny Committee.
- 13.2 The quorum for the Overview and Scrutiny Committee, the Scrutiny sub-committee and the Call-In sub-committees will be one quarter or three members, whichever is the greater of the whole number of Members (including co-opted voting members) AND where there are appointed co-opted voting members, the quorum shall be calculated on the total number inclusive of such co-optees but the quorum shall refer to the elected councillors
- 13.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.

- 13.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee, sub-committee or panel.

14. Closure of Meetings

14.1 Time of Closure

Meetings of Committees, sub-committees and panels will close 2.5 hours after the time of start the meeting as advertised on the agenda except as determined below.

- 14.1.1 the business of the meeting has been completed within 2.5 hours of the start; or
- 14.1.2 by resolution passed before the closure time, the Committee, sub-committee or panel resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:
- (a) to continue in the normal manner and complete the business remaining on the agenda; or
 - (b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate (no meeting of any committee will expect pass 10:30 pm except Planning Committee).
 - (c) Neither (a) nor (b) above shall be utilised in respect of meetings of the Planning Committee so as to extend these beyond a final closure of 4.5 hours after the start of the meeting.

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

In considering whether (a) or (b) above are expedient, the Committee, sub-committee or panel must have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

14.2 Determining Business Upon Closure

- 14.2.1 At the time of closure the Chair will advise the Committee, sub-committee or panel that the procedure to terminate the meeting is to be applied;
- 14.2.2 Any speech commenced and then in progress shall be concluded;
- 14.2.3 The Chair will put any motion or recommendation then under consideration to the vote without further discussion;
- 14.2.4 All remaining business before the Committee, sub-committee or panel, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment.

15. Petitions

15.1 Presentation of Petitions

- 15.1.1 Petitions relating to a function of a Committee or sub-committee shall be dealt with in accordance with the Council's Petition Scheme (at Appendix A to the Council Procedure Rules) and will usually be presented to the appropriate meeting of the Committee or sub-committee. If the petitioners request that the petition be presented at a meeting of a Council Committee or sub-committee this can be done in the following ways:
 - 15.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the Committee or sub-committee meeting, and request to read the petition to the meeting;
 - 15.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;

15.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

15.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

15.2 **Notice and Consideration of Petitions**

15.2.1 There is no need for any advance notice to be given of the wish to present a petition to a Committee or sub-committee.

16. **Deputations**

16.1 This Rule does not apply to the Planning Committee, when considering planning applications, nor to Licensing applications which have specific rules which are available at meetings of the Licensing Panel and to applicants, nor to the Overview and Scrutiny Committee.

16.2 Any committee, sub-committee or panel of the Council other than those excluded from the application of this Rule may receive a deputation on any matter appearing on the relevant agenda.

16.3 Requests for deputations must be in writing and supported by the signatures of at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.

16.4 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.

16.5 The deputation to the meeting must consist of not more than four people. Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed 10 minutes.

16.6 The time allowed for questioning of the deputation by Members will be 10 minutes.

- 16.7 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 16.8 Committees shall receive no more than two deputations per meeting.
- 16.9 No deputation shall be received by a Committee or sub-committee within 6 months after a deputation has appeared before it on the same or a similar subject.
- 16.10 Members of the Council, co-optees and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.
- 16.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.

17. **Public Questions**

17.1 **General**

- 17.1.1 Members of the public may question Chairs of Council Committees or sub-committees at meetings. Questioners will not be allowed to address the Committee or sub-committee generally on a matter, they may only ask questions relating to matters within the terms of reference of the Committee or sub-committee. Questions relating to individual cases and/or matters relating to staffing and conditions of service and relating to individual planning applications at the Planning Committee meetings will not be permitted.

17.2 **Time Limit for Questions**

- 17.2.1 There will be a total limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached, no further questions can be asked but a questioner can complete a question or a supplemental question and the respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Councillor answering believes that a longer response is necessary an oral summary will be given and a full reply shall be completed in writing.

17.3 **Order and Notice of Questions**

- 17.3.1 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
- 17.3.2 A question may only be asked if notice has been given in writing to the Monitoring Officer at publicquestions@harrow.gov.uk no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and give the name of the Chair of the Committee or sub-committee to whom it is to be put.
- 17.3.3 Where a report is circulated after the normal Committee despatch by supplemental agenda a question may be asked, if notice has been given in writing, to the Monitoring Officer at publicquestions@harrow.gov.uk no later than **3.00 pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Chair of the Committee or sub-committee to whom it is to be put.
- 17.3.4 The Chair of a Committee or sub-committee to whom any question is put may arrange for another Member of the Council to answer on his or her behalf.
- 17.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address or postal address.

17.4 **Number of Questions**

- 17.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in paragraph 17.5 below.

17.5 **Scope of Questions**

- 17.5.1 The Monitoring Officer may reject a written question if it:

- 17.5.1.1 would risk defamation of an individual or is frivolous or offensive or otherwise improper; or
- 17.5.1.2 does not relate to a matter to which the Council has powers or duties; or
- 17.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or
- 17.5.1.4 would require the disclosure of confidential or exempt information; or
- 17.5.1.5 is substantially the same as a question which has been put at any meeting of the Committee in the last six months;
- 17.5.1.6 is within the invalid categories referred to at 17.1 above.

No invalid questions will be circulated.

17.6 Record of Public Questions

- 17.6.1 The Monitoring Officer will publish each written question and will immediately send a copy of the written question to the Councillor to whom it is to be put. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.
- 17.6.2 Copies of all valid questions will be circulated to all Members of the committee, sub-committee or panel, and made available to the public at the meeting.

17.7 Asking the Question at the Meeting

- 17.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on their behalf.
- 17.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.
- 17.7.3 The Chair may either:

- 17.7.3.1 ask the question on the questioner's behalf; or
- 17.7.3.2 indicate that a written reply will be given; or
- 17.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

17.8 **Written Answers**

- 17.8.1 Any written question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Committee, sub-committee or panel.

17.9 **Reference of a Question to another Body**

- 17.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to the Executive, Advisory Panel, Portfolio Holder or other appropriate Committee, sub-committee or panel. Such a proposal will be voted on without discussion.

18. **Confidential Business**

- 18.1 All reports, other documents, information, discussions and proceedings of a Committee, sub-committee or panel which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Committee, sub-committee or panel. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Committee, sub-committee or panel meeting following a resolution to exclude the press and public.

19. **Voting**

19.1 **Majority**

- 19.1.1 Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and

seated in the room at the time the question was put. Voting shall be by a show of hands.

19.2 Chair's Casting Vote

19.2.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

19.3 Individual Recorded Vote and Explanation for Vote

19.3.1 If, immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

19.3.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

19.4 Recorded Vote by Roll Call

19.4.1 If immediately before an ordinary vote is taken three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.5 Voting on Appointments

19.5.1 If there are more than two people nominated for any position to be filled by a Committee, sub-committee or panel and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

20. Minutes

20.1 Signing the Minutes of Committees, Sub-Committees and Panels

20.1.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous

meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

20.2 **Minutes of Decisions of Committees, Sub-Committees and Panels**

20.2.1 Minutes of Committees, sub-committees and panels shall be published on the Council's intranet and website.

20.3 **Production of Minutes**

20.3.1 Minutes of the meetings of Committees, sub-committees, and panels will normally be published within five clear working days of the date of the meeting.

21. **Record of Attendance**

21.1 All Members present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.

22. **Exclusion of the Public**

22.1 Members of the public and press may only be excluded either in accordance with Rule 11 of the Access to Information Procedure Rules in Part 4G of this Constitution or under Rule 24 (Disturbance by the Public).

23. **Members' Conduct**

23.1 **Precedence of Chair**

23.1.1 When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

23.2 **Member not to be heard further**

23.2.1 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

23.3 Member to leave the Meeting

23.3.1 If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.4 General Disturbance

23.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as they think necessary.

24. Disturbance by the Public

24.1 Removal of Member of the Public

24.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

24.2 Clearance of Part of a Meeting Room

24.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

24.3 Adjournment

24.3.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

24.3.2 If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

25. Suspension and Amendment of Committee Procedure Rules

25.1 Suspension

25.1.1 All of these Committee Procedure Rules except the Rules on Reserving, Individual Recorded Vote and Explanation for Vote,

Exclusion of the Public, Suspension and amendment of Committee Procedure Rules, reserve members for Overview and Scrutiny Sub-Committees, may be suspended by motion on notice or without notice if at least one half of all members of the committee are present and where such a motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

25.2 **Amendment**

25.2.1 The Committee Procedure Rules may only be changed by the Council.

26. **Ruling of the Chair on Interpretation of these Rules**

26.1 The Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

27. **Membership of the Planning Committee and Licensing & General Purposes Committee**

27.1 The requirements set out in this Procedural Rule shall apply to Members and substitute or replacement Members serving on the Planning and/or Licensing & General Purposes Committee.

27.2 In nominating Members to serve on the Planning and/or Licensing & General Purposes Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed training shall be kept by the Monitoring Officer and updated periodically by them as future Members are trained.

27.3 In a Borough Election Year Members who are not trained to serve on the Planning and/or Licensing & General Purposes Committee may be nominated to serve nonetheless for an initial period of up to six months from the date of the first appointments in that Municipal Year to allow them to receive the required training within that period. Training shall be provided by the Council within this period. Failure to undertake and complete satisfactorily the training within that six month periods will preclude the Member from membership of the Planning and/or Licensing & General

Purposes Committee and require the political Group to nominate a replacement Member who has been trained. Members are required to renew this training at not more than 4 year intervals; failure to do so shall preclude the Member from membership of the Planning and/or Licensing & General Purposes Committee.

- 27.4 In respect of any serving Planning and/or Licensing & General Purposes Committee Member who has not completed the training satisfactorily within the six month period the relevant political Groups will be requested to nominate a replacement Member of Council who has so completed the training satisfactorily, failing which any such place on the Committee shall remain vacant pending the nomination of a trained Member.

28. Additional Rules for the Planning Committee

- 28.1 Rules 28 to 29 are rules specific to the Planning Committee. They apply to the Planning Committee (or any committee otherwise named to which has been delegated the exercise of the functions of the Council as a local planning authority under the relevant statutory provisions).

- 28.2 Meetings of the Planning Committee shall take place at the time and place stated on the agenda for the meeting.

- 28.3 Meetings of the Planning Committee shall close 3.5 hours after they commence unless determined under Rule 14 the closure of meetings but these rules may not be used to extend the meeting beyond 4.5 hours.

29. Information on the rights of Applicants and Objectors to speak in relation to Applications at the Planning Committee

- 29.1 This procedure applies only to the following applications, which are to be determined by the Planning Committee:

29.1.1 Applications for planning permission, which are being recommended for grant or approval by the Chief Planning Officer.

29.1.2 Applications for prior approval of the siting and appearance of telecommunications development where the Chief Planning Officer is recommending that prior approval be not required OR that prior approval be required and granted.

- 29.1.3 Applications for the modification or discharge of section 106 agreement obligations.
- 29.2 Where the recommendation of the Chief Planning Officer is to refuse an application Applicants and Objectors have no right to speak.
- 29.3 No later than 5.00 pm on the working day before the meeting, objectors should give notice to the Monitoring Officer of their wish to speak at the Planning Committee.
- 29.4 Subject to 29.5, only one objector will be permitted to address the Planning Committee in respect of each relevant application, and any group of objectors should therefore nominate a spokesperson.
- 29.5 In exceptional circumstances, the Planning Committee may by motion agree to allow a maximum of two objectors to address the Planning Committee.
- 29.6 The applicant may only make representations after any objector has addressed the Planning Committee (i.e. if there is no objector to an application the applicant will not be permitted to speak).
- 29.7 Objectors and applicants may speak for a maximum of three minutes each. Where the Planning Committee allows two objectors to address them under the rule above, each objector may speak for a maximum of three minutes. In exceptional circumstances concerning significant applications the Planning Committee may agree to increase the length of time for representations to a maximum of five minutes each.
- 29.8 Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations.
- 29.9 The deputation procedure referred to in the rule above applies to all other business on the Planning Committee agenda.

30. Any major¹ planning application by or on behalf of the Council, or involving Council-owned land, where any Portfolio Holder who has Planning and Regeneration in their portfolio has been involved, must be considered at a special meeting. This meeting must not be chaired or attended by that Portfolio Holder.
31. **Additional Rules for Overview and Scrutiny**
- 31.1 The rules below are specific to the Overview and Scrutiny Committee.
32. **Membership of the Overview and Scrutiny Committee**
- 32.1 All Councillors except members of the Executive may be Members of the Overview and Scrutiny Committee and any Scrutiny sub-committees.
- 32.2 No member may be involved in scrutinising a decision in which they have been directly involved. In particular, Portfolio Holder Assistants shall not participate or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.
- 32.3 The Overview and Scrutiny Committee will comprise such members as the Council shall determine, including the Chairs of the Scrutiny sub-committees and will also include two voting parent governor representatives and two voting “church” representatives.
- 32.4 Members of the Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.
- 32.5 The Overview and Scrutiny Committee may appoint non-voting advisers, who will not be members of the Committee.
- 32.6 Subject to Rule 32.7, Members of the Overview and Scrutiny Committee and its sub-committee, who are not members of the Authority, are not entitled to vote.
- 32.7 Appointed representatives of the “church” and parent governors shall be voting members of the Overview and Scrutiny Committee. They are entitled

¹ Minor development is defined as one which does not fall within the category of ‘major’. Major development is defined as development of 10 or more dwellings or residential development on sites of 0.5ha or more, or in the case of non-residential, floorspace of 1000m² or more, or with a site area of 1ha or more. Minor developments are dealt with by officers under the current planning delegations.

to vote on any matter relating to an education function of the Authority. They are entitled to speak but not vote on any other matter.

- 32.8 “Church” and parent governor representatives are only eligible to Chair meetings of the Overview and Scrutiny Committee when education issues are being discussed, and, if chairing, may exercise a casting vote.

33. Scrutiny Sub-Committees

- 33.1 The Overview and Scrutiny Committee will appoint a Performance and Finance Sub-Committee and a Health and Social Care Scrutiny Sub-Committee as set out below, and two Call-In sub-committees as outlined in Rule 33. Subject to Council approval, the Overview and Scrutiny Committee may discontinue any of these sub-committees and/or appoint alternative sub-committees. The Overview and Scrutiny Committee may also amend the terms of reference of the sub-committees as appropriate, such changes to be reported to the next Council meeting for ratification.
- 33.2 Where the Overview and Scrutiny Committee seeks to discontinue or appoint sub-committees other than as set out in Rule 32.1, it should consult interested parties as appropriate.
- 33.3 Any change in sub-committees will be reported to the next Council meeting by the Chair of the Overview and Scrutiny Committee.
- 33.4 The Performance and Finance Sub-Committee and the Health and Social Care Scrutiny Sub-Committee will comprise such Councillors as the Overview and Scrutiny Committee shall determine.
- 33.5 The terms of reference of the sub-committees are set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 33.6 Membership of the sub-committees will be subject to the political proportionality rules.
- 33.7 The appointment of parent governor representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.
- 33.8 The appointment of “church” representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of Local Government Act 2000.

- 33.9 The sub-committees may appoint advisers to the sub-committees. Such advisers will not be members of the sub-committees and cannot vote.
- 33.10 The Overview and Scrutiny Committee may also appoint Reserve Members to these sub-committees on the following conditions:
- 33.10.1 Reserve Members cannot be Members of the Executive.
- 33.10.2 The reserves shall have the same powers and duties of any ordinary member of the Committee.
- 33.10.3 Co-opted voting members on the Overview and Scrutiny Committee may not have reserves.
- 33.10.4 Subject to paragraphs 33.10.1 to 33.10.3 above, the provisions of Rule 3.4 shall apply to Reserve Members of the Overview and Scrutiny Committee and any sub-committees appointed by it.

34. The Call-In Sub-Committees

- 34.1 The Overview and Scrutiny Committee will appoint a Call-In Sub-Committee and a Call-In Sub-Committee (Education) to consider and comment on decisions of the Executive and to process matters “called-in”.
- 34.2 The Call-In Sub-Committee will comprise five Members of the Overview and Scrutiny Committee and the Call-In Sub-Committee (Education) will comprise nine Members including two voting parent governor representatives and two voting “church” representatives and will be subject to the rules on political proportionality.
- 34.3 The Overview and Scrutiny Committee may also appoint Reserve Members to these sub-committees. Reserve Members cannot be Members of the Executive. The reserves shall be subject to the Rules in 3.4 and 33.10 above.
- 34.4 At a meeting of the Call-In Sub-Committee (Education), the “church” and parent governor representatives will have attendance, speaking and voting rights.
- 34.5 The Rules for call-in are detailed in below and Appendix 1.

35. Meetings of the Overview and Scrutiny Committee and its Sub-Committees

- 35.1 The Call-In Sub-Committees shall be convened as and when required.
- 35.2 Following consultation with the nominated members of each of the political groups (and in the case of the Overview and Scrutiny Committee, with the four voting co-opted members) the relevant Chair shall have the power to alter the venue, day and time of the meeting or to cancel a meeting if they believe it to be appropriate for the conduct of the business of the Committee or sub-committee. The Access to Information Procedure Rules must still be adhered to.
- 35.3 The dates of meetings of the Overview and Scrutiny Committee and Scrutiny sub-committees will be as determined in the annual calendar of meetings or determined by the Monitoring Officer and notified in the agenda of all meetings.

36. Work Programme

- 36.1 The Overview and Scrutiny Committee will consider its outline work programme, and that of the Scrutiny sub-committees, at its first meeting following the Annual Meeting of Council, except in years where there are whole borough elections, where the work programme will be considered at the first suitable meeting.
- 36.2 In setting the outline work programme, account will be taken of the need to scrutinise forthcoming policy, for example, the budget, whilst leaving flexibility to commence new scrutiny reviews during the year in response to new requests for scrutiny.
- 36.3 The Overview and Scrutiny Committee will report the agreed outline work programme to the first available ordinary meeting of the Council.

37. Setting the agenda for meetings

- 37.1 The Chair of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees will be responsible for approving the agenda for each meeting.
- 37.2 The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures.

- 37.3 The Chair will have the power to vary the order of business to give precedence to any item of business.
- 37.4 Any voting member of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees is entitled by giving at least six clear working days notice before the meeting to the Monitoring Officer, that they wish an item relevant to the functions of the Committee or sub-committees to be included on the agenda. The Monitoring Officer will ensure that the matter is included on the agenda.
- 37.5 The Overview and Scrutiny Committee shall consider whether it is appropriate to respond to requests from the Council and the Executive, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee or Scrutiny sub-committees will report their findings and recommendations back to the Executive or Council who must consider the report within 8 weeks of receiving it, or at the next meeting, whichever is the sooner.

38. Policy Development and Review

- 38.1 The role of the Overview and Scrutiny Committee and Scrutiny sub-committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4C of this Constitution.
- 38.2 In relation to the development of the Council's policy on matters which do not form part of the budget and policy framework, the Overview and Scrutiny Committee and/or Scrutiny sub-committees may make proposals to the Executive or the Council for developments in so far as they relate to matters within their terms of reference.
- 38.3 The Overview and Scrutiny Committee and Scrutiny sub-committees may hold reviews and investigate the available options for future direction in policy development.
- 38.4 The Overview and Scrutiny Committee and Scrutiny sub-committees may appoint advisors and assessors to assist them in this process. They may arrange site visits, conduct public surveys, hold public meetings, commission research and do all the other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend and discuss any matter under consideration by the Committee or sub-committees.

39. **Reports from Overview and Scrutiny Committee**

39.1 Once it has formed proposals for policy development, the Overview and Scrutiny Committee or Scrutiny sub-committees will prepare a formal report and submit it:

39.1.1 **to the Executive, if the proposals are consistent with the existing budgetary and policy framework, or**

39.1.2 **to the Executive and to the Council, if the recommendations would require a departure from or change to the agreed budget and policy framework.**

39.2 If the Overview and Scrutiny Committee or Scrutiny sub-committees cannot agree on one single final report, then any two Members of the relevant committee may prepare a minority report to be submitted for consideration by the Executive or Council together with the majority report.

40. **Consideration of Overview and Scrutiny reports by the Executive and/or the Council**

40.1 The Council or Executive (as appropriate) shall consider a report of the Overview and Scrutiny Committee or Scrutiny sub-committees within 8 weeks of it being published, or at its next meeting, whichever is the sooner.

40.2 Where reports are sent to the Executive from the Overview and Scrutiny Committee or Scrutiny sub-committees the Executive will have 8 weeks from the date of the reference for them to respond to the Overview and Scrutiny Committee or Scrutiny sub-committees, and (if the report was referred in accordance with paragraph 39.1.2 above to both Executive and Council) the Council shall **not** consider the report within that period.

40.3 When the Council meets to consider a matter referred from the Overview and Scrutiny Committee or Scrutiny sub-committees under Rule 39.1.2 above, it shall also consider any response of the Executive to the proposals of the Overview and Scrutiny Committee or Scrutiny sub-committees.

Consideration of reports by individual Executive members

40.4 Where the Overview and Scrutiny Committee or a Scrutiny sub-committee prepares a report for consideration by the Executive in relation to a matter where decision-making power has been delegated to an individual member

of the Executive, the Overview and Scrutiny Committee or Scrutiny sub-committees will submit their report to the relevant Executive Portfolio Holder for consideration. At the same time, a copy of the report shall be given to the Monitoring Officer.

- 40.5 The Executive Portfolio Holder with delegated decision making power must consider a report submitted to them under Rule 40.4 and, if accepting their report, respond in writing to the Overview and Scrutiny Committee or Scrutiny sub-committees within 4 weeks of receiving it. A copy of their response shall be sent at the same time to the Monitoring Officer.
- 40.6 Where a report is submitted to an Executive Portfolio Holder under Rule 40.4 above, the Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee or Scrutiny sub-committees to discuss the report and his/her response.
- 40.7 In respect of reports dealt with under Rule 40.4, if the Executive Portfolio Holder with delegated decision-making power does not accept any or all of the recommendations of the Overview and Scrutiny Committee, they must refer the matter to the next available meeting of the Executive for decision.
- 40.8 Following a debate on a matter by the Executive under rule 40.7, the Executive Portfolio Holder will respond to the report of the Overview and Scrutiny Committee or Scrutiny sub-committees in writing. This response must be with the Overview and Scrutiny Committee or Scrutiny sub-committees within eight weeks of receipt of the report submitted under Rule 40.4.

41. Power to respond to Consultation

The Overview and Scrutiny Committee or Scrutiny sub-committees will, in any event, have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee or Scrutiny sub-committees, following consideration of possible service/policy developments, the Overview and Scrutiny Committee or Scrutiny sub-committees will be able to respond in the course of the Executive's consultation process in relation to any key decisions.

42. **Rights of Overview and Scrutiny Committee Members to Documents**

- 42.1 Members of the Overview and Scrutiny Committee and Scrutiny sub-committees have additional rights to documents, and to notices of meetings as set out in Rule 22 of the Access to Information Procedure Rules in Part 4G of this Constitution.
- 42.2 In some circumstances it may be appropriate for more detailed information sharing to take place between the Overview and Scrutiny Committee or the Scrutiny sub-committees and the Executive. Nothing in this paragraph prevents ad hoc arrangements from being agreed by Members if appropriate.

43. **Holding Members to Account**

- 43.1 Within their particular terms of reference, the Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function.
- 43.2 In fulfilling the scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require the Leader of the Council and any other member of the Executive to attend before the Committee to explain:
- 43.2.1 **any particular decisions or series of decisions;**
 - 43.2.2 **the extent to which the actions taken implement Council policy; and/or**
 - 43.2.3 **their performance.**
- 43.3 Where required to attend in compliance with Rule 43.2, it is the duty of that Member to do so.
- 43.4 Where any Member is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee under Rule 43, the Chair of that Committee or sub-committee will inform the Monitoring Officer. The Monitoring Officer will inform the Member, giving at least 10 clear working days notice in writing of the meeting at which they are required to attend to give account, and whether papers are required for the Committee or sub-committee.

- 43.5 Where the account to be given to the Committee or sub-committee will require the production of a report, the Member concerned will be given sufficient notice to allow for the preparation of that documentation.
- 43.6 Where, in exceptional circumstances, the Member is unable to attend on the required date, the Monitoring Officer, in consultation with the Chair and the Member concerned, shall arrange an alternative date for attendance.
44. **Holding Officers to Account**
- 44.1 The Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within their particular terms of reference.
- 44.2 In fulfilling that scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require a Chief Officer (see Rule 44.7) to attend before the Committee or sub-committee to explain:
- 44.2.1 **any particular decisions or series of decisions;**
 - 44.2.2 **the extent to which the actions taken implement Council policy; and/or**
 - 44.2.3 **their performance.**
- 44.3 Where required to attend in compliance with Rule 44.2, it is the duty of that officer to do so.
- 44.4 Where an officer (see Rule 44.7) is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee under Rule 43, the Chair of that Committee or sub-committee will inform the Monitoring Officer. The Monitoring Officer will inform the officer, giving at least 10 clear working days notice in writing of the meeting at which they are required to attend to give account, and whether papers are required for the Committee or sub-committee.
- 44.5 Where the account to be given to the Committee or sub-committee will require the production of a report, the officer concerned will be given sufficient notice to allow for the preparation of that documentation.

44.6 Where, in exceptional circumstances, the officer is unable to attend on the required date, the Monitoring Officer, in consultation with the Chair and the officer concerned, shall arrange an alternative date for attendance.

44.7 Under normal circumstances, the Corporate Director or Director responsible for the area in question will attend the Committee or sub-committee to be held to account. It may sometimes be appropriate for another officer to attend to discuss the issue. The decision about who should attend and be held accountable is entirely one for the Corporate Directors or Director concerned, in consultation with his or her staff.

45. **Attendance at the Overview and Scrutiny Committee and Scrutiny Sub-Committees**

45.1 The Overview and Scrutiny Committee and Scrutiny sub-committees may invite any other person (not referred to in Rules 43 and 44) to address the Committee or sub-committees. It may, for example, wish to discuss issues of local concern with residents, partners, Members and officers from other public sector or private sector organisations.

45.2 The Overview and Scrutiny Committee or Scrutiny sub-committees may invite any person to attend, but attendance (except for Chief Executives of Health Authorities) is entirely optional.

46. **Call-in**

46.1 Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) or any Joint Committee (where it has taken a decision delegated to it by the Executive) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt a decision may only be subject to the call-in procedure once.

46.2 **The process for call-in**

46.2.1 Six Members of the Council can call in a decision of the Executive, which has been taken but not implemented. In relation to Executive decisions on education matters only the number of Members required to call in a decision which has been made but not implemented shall be six Councillors or, in the alternative, six

persons comprising voting co-opted members and representatives of at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.

- 46.2.2 150 Members of the public (defined as anyone registered on the electoral roll of the Borough) can call in a decision of the Executive, which has been taken but not implemented.
- 46.3 Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This Rule does not apply to urgent decisions (see Rule 48 below). The notice of the decision will state the date on which the decisions may be implemented if not called in.
- 46.4 Call-in must be by notification to the Monitoring Officer in writing:
 - 46.4.1 **signed by all six Members or, in the alternative, the voting co-optees requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members concerned.**
 - 46.4.2 **signed by all 150 members of the public registered on the electoral roll, and stating their names and addresses.**

Requirement to Give Reasons

- 46.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:
 - 46.5.1 **inadequate consultation with stakeholders prior to the decision;**
 - 46.5.2 **the absence of adequate evidence on which to base a decision;**
 - 46.5.3 **the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;**
 - 46.5.4 **the action is not proportionate to the desired outcome;**
 - 46.5.5 **a potential human rights challenge;**

46.5.6 insufficient consideration of legal and financial advice.

Referral to the Call-In Sub-Committees

46.6 Subject to 47.1 below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-In Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.

46.6.1 Where the Call-In Sub-Committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.

46.6.2 Where the Call-In Sub-Committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder, officer (if a key decision) or Joint Committee, the decision may be implemented on the day following the Call-In Sub-Committee meeting.

46.6.3 No Member who has signed a call-in notice in accordance with Rule 46.4 may sit as a member of the Call-In Sub-Committee which considers that call-in notice.

Process for Consideration of Called-in Items at the Call-In Sub-Committee

46.7 The Call-In Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.

46.8 The Sub-Committee may come to one of the following conclusions:

46.8.1 that the challenge to the decision should be taken no further and the decision may be implemented;

- 46.8.2 **that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or**
- 46.8.3 **that the matter should be referred back to the decision taker (i.e. the Portfolio Holder, Executive or Joint Committee, whichever took the decision) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive.**

Referral - Back under Rule 46.8.3

- 46.9 In the event of a referral-back under Rule 46.8.3, the Executive or Portfolio Holder must reconsider the decision within ten clear working days of that referral. The original decision may then be confirmed or amended in the light of the comments of the Call-In Sub-Committee.

Referral to Council under Rule 46.8.2

- 46.10 In the event that the Call-In Sub-Committee refers the matter to Council under Rule 46.8.2 above, the decision shall be discussed at the next ordinary meeting of Council, provided that the next scheduled meeting is within 20 clear working days of the decision of the Call-In Sub-Committee, which referred the matter.
- 46.11 If the next scheduled meeting of the Council is more than 20 clear working days after the decision of the Sub-Committee, the Mayor will decide, in consultation with the Leaders of the political parties, whether an extraordinary meeting of the Council is expedient.
- 46.12 The Council when considering the matter may conclude:
- 46.12.1 **that the challenge to the decision should be taken no further and the decision may be implemented;**
- 46.12.2 **that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or**

46.12.3 **that the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or**

46.12.4 **acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.**

In the event of a referral back to the Executive decision-taker

46.13 In the event of 46.12.3 above, the Executive must reconsider the decision at its next meeting (consideration should be given to the holding of a special meeting if the issue is considered to now be sufficiently urgent); or as the case may be the Portfolio Holder or officer must reconsider the decision within five clear working days of the date of the Council meeting. The decision-taker can either:

46.13.1 **confirm the original decision and report back to the next meeting of the Overview and Scrutiny Committee;**

46.13.2 **amend or alter the decision in the light of the comments of the Call-In Sub-Committee and report back to the next meeting of the Overview and Scrutiny Committee.**

In the case of either 46.13.1 or 46.13.2, the decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.

47. Call-in and Urgency

47.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

47.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.

- 47.3 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 47.4 In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor is required.
- 47.5 In the absence of both the Chair of the Overview and Scrutiny Committee and the Mayor, the consent of the Deputy Mayor is required.
- 47.6 Decisions taken, as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.
- 47.7 The operation of the provisions for call-in and urgency shall be monitored annually and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.

48. Procedure at Overview and Scrutiny Committee and Scrutiny Sub-Committee Meetings

- 48.1 The Overview and Scrutiny Committee shall consider the following business:
- 48.1.1 Minutes of the last meeting;
 - 48.1.2 Declarations of interest and any dispensations granted by the Standards Committee;
 - 48.1.3 Petitions;
 - 48.1.4 Deputations;
 - 48.1.5 Public Questions;
 - 48.1.6 Responses from the Executive and Council to reports from the Committee;
 - 48.1.7 The business otherwise set out on the agenda for the meeting;
 - 48.1.8 Check on progress from the Scrutiny sub-committees to ensure reviews are on track.
- 48.2 The Scrutiny sub-committees (other than the Call-In Sub-Committees – see Rule 48.3 below) shall consider the following business:

- 48.2.1 Minutes of the last meeting;
 - 48.2.2 Declarations of interest;
 - 48.2.3 Petitions;
 - 48.2.4 Deputations;
 - 48.2.5 Public Questions;
 - 48.2.6 Consideration of any matter referred to the sub-committee by the Overview and Scrutiny Committee;
 - 48.2.7 Responses from the Executive and Council to reports from the sub-committee;
 - 48.2.8 The business as otherwise set out on the agenda for the meeting.
- 48.3 The Call-In Sub-Committees shall consider the following business:
- 48.3.1 Minutes of the last meeting;
 - 48.3.2 Declarations of interest;
 - 48.3.3 The Call-In request(s) for which the meeting is convened.
49. **The Conduct of Reviews**
- 49.1 In conducting reviews, the Overview and Scrutiny Committee and Scrutiny sub-committees may also ask people to attend to give evidence at their meetings as outlined in Rules 43-44 above.
 - 49.2 Reviews will be carried out in accordance with the principles set out in the Protocol on Councillor/Officer Relations in Part 5 of the Constitution.
 - 49.3 Following any review, the Committee or sub-committees shall prepare a report for submission to the Executive and/or Council as appropriate and shall also make its report and findings public subject to any confidentiality requirements (See Rule 18).

50. **Matters within the remit of Overview and Scrutiny Committee and the Scrutiny Sub-Committees**

Where a matter for consideration falls within the remit of the Overview and Scrutiny Committee and the Performance and Finance Sub-Committee, the Overview and Scrutiny Committee will decide which of them will lead the scrutiny process.

Overview and Scrutiny Sub-Committees Call-In Procedure: Guidance

The Spirit of Co-operation

This Guidance is written for all members to consider when calling in a decision made by the Executive. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

The Overview and Scrutiny Committee shall delegate authority to the designated Members (see below) to consider requests for Call-In received in accordance with the Council's constitution, except where either or both of the designated Members have signed the call-in notice (see below).

In the event that the designated Members fail to reach agreement on whether a request should be called in, the request for a Call-In shall automatically pass to the Call-In Sub-Committee for consideration.

(1) **Call in by Members of Council and by members of the public – Rule 46.2**

The Guidance will be relied upon by the Chair and Vice Chair of the Overview and Scrutiny Committee. These Members will be the designated Members for the purpose of this Guidance² when considering a request for call in by Members of the Council or by members of the public. If either of the designated Members has signed a call-in notice in accordance with Rule 46.4 they will not take part in the consideration of the request for call-in and it will be considered by the other Member alone. If both designated Members have signed a call-in notice the request for a Call-in shall automatically pass to the Call-In Sub-Committee for consideration.

² When the Chair and Vice-Chair of the Overview and Scrutiny Committee belong to the same political group, the designated members for the purposes of this Guidance only shall be the Chair or Vice-Chair of the Call-In Sub-Committee and the lead or nominated member on the Call in Sub Committee from the next largest political group.

Reasons for refusal

The designated Member(s) must ensure that the requirement to give reasons under Rule 46.5 of the Committee Procedure Rules (“the Rules”) as contained in the Council’s Constitution is met. In the event that the requirements of Rule 46.5 are met, the following guidance shall be used when considering a request for call-in to the Call-In Sub-Committee:

1. **Time limit** - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. **Financial implications** - Only decisions involving expenditure or risk of a value over £50,000 may be called-in, where expenditure is the primary purpose of the decision. This factor in particular should be considered in light of the other factors in this guidance.
3. **Political implications** - Does the decision have an impact on 1 or more of the wards in Harrow? Or will the decision have an effect on the wider interests of the inhabitants of the area?
4. **Duplication** - The Call-In Sub Committee should not be used when another forum or route is available to deal with concerns about an Executive decision, such as Challenge Panels, Standards Committee or Regulatory Panels e.g. Traffic, Development Management etc.
5. **Relevance** - The Call-in request must be of direct relevance to the Decision being called-in.
6. **Public Call-in** - The Call-in request must make out a prima facie case.
7. **Process** -
 - (a) Have the requisite 6 Members requested the call-in? The Members who make the call-in should be Members of the Council or, as the case

may be representatives of the voting co-opted members and one political group on Overview and Scrutiny Committee.

- (b) Have the requisite 150 members of the public requested the call-in?
The 150 members of the public must be registered on the electoral roll and have given their name and address.

8. **Vexatious Requests** – Can the request be reasonably construed as vexatious having regard to tone, content, language, persistence etc.

9. A decision that can no longer be implemented should not be called in.

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a call in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to members.

The designated Member(s) should consider each of the above factors fully when considering a request for call-in, and in the event of refusal, reasons shall be provided which refer to the above categories.

Health and Wellbeing Board Procedure Rules

1. Application of these Rules

- 1.1 These rules apply to the Harrow Health and Wellbeing Board which was set up in accordance with S102 Local Government Act 1972 and S194 Health and Social Care Act 2012.

2. Appointment of Reserves

Members of the Board shall each have a named Reserve who will have the authority to make decisions in the event that they are unable to attend a meeting. The Reserve will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving.

2.1 Reserving

2.1.1 Reserve Members may attend meetings in that capacity only:

2.1.1.1 to take the place of an ordinary Member for whom they are a reserve;

2.1.1.2 where the ordinary Member will be absent for the whole of the meeting;

2.1.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

2.1.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2.1.2 For the purposes of section 2.1.1.2 only, a meeting adjourned to another day shall be treated as a new meeting.

2.1.3 If a Reserve Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

3. Attendance of Members at Committees

3.1 No right to speak

3.1.1 Any Member of the Council may attend meetings of the Board or its sub-committees and panels. Subject to 3.2 below, Councillors who are not ordinary members or attending Reserve Members of the Board or its sub-committees may not speak at meetings unless the Board or sub-committee agrees that the Member concerned may speak, or, the Member has been invited to the Board or sub-committee to speak.

3.2 Motions referred to the Board or its sub-committees.

3.2.1 **A Member of the Council who has proposed a motion which has been referred to the Board or sub-committee, shall be given at least three clear working days notice of the meeting at which the motion will be considered, by the Monitoring Officer. If the Member attends the meeting but is not an ordinary Member or attending Reserve member of the Board or sub-committee, he or she shall have an opportunity to explain the motion to the Board or sub-committee.**

4. Appointment of Sub-Committees

The Board may establish sub-committees with such terms as they consider necessary for the proper discharge of the functions of the Board.

5. Chiring Board Meetings

The Chair will be nominated by the Leader of the Council and appointed by Harrow Council.

5.1 Vice Chair of the Board

The Vice-Chair will be appointed by the North West London Integrated Care Group.

5.2 Absence of Chair at Meetings of the Board

5.2.1 In the absence of the Chair, the Vice-Chair shall preside.

5.2.2 If after 15 minutes since the identified start time neither the Chair or Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business after the noting of Reserve Members.

5.2.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then the first order of business shall be to elect a Chair for the meeting after the noting of Reserve Members.

6. Business not on the Agenda

6.1 Business not on the agenda may only be considered where:

6.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or

6.1.2 the Chairman makes an announcement that does not require a decision to be taken; or

6.1.3 a member of the Board or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Board agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

6.1.4 If there is a request to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees, subject to consultation with the Vice-Chair (if reasonably practicable), and the Board agreeing to consider that item of business, by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

7. Time and Place of Meetings

7.1.1 Meetings of the Board shall take place at the venue stated on the agenda. Following consultation with the Vice-Chair and subject to compliance with the Local Government (Access to

Information) Act 1985, the Chair shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Board.

8. Cancellation of Meetings

8.1 The Head of Paid Service and or the Monitoring Officer may cancel a meeting of the Board either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

9. Calling of Special Meetings

9.1 Those listed below may request the Monitoring Officer to call committee, sub-committee or panel meetings in addition to ordinary scheduled meetings:

9.1.1 the Board by resolution;

9.1.2 the Chair of the Board. The Chair must, before requesting the Monitoring Officer to call a special meeting, consult with the Vice-Chair;

9.1.3 at least one-third of the members of the Board, if they have signed a requisition presented to the Chair of the Board and they have refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition;

10. Business

10.1 Business at special meetings of the Board shall be restricted to:

10.1.1 the election of a person to preside if the Chair and Vice Chair are absent;

10.1.2 any item of business specified by the Board, Chair or Monitoring Officer or Statutory Officer when calling the meeting;

10.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.

11. Notice of and Summons to Meetings

- 11.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the Monitoring Officer will send an agenda front sheet by post to every member of the Board. The agenda will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by all relevant reports.**

Quorum

- 11.2 The quorum of a meeting will be 50% of the voting membership. However at least one voting member from both the Council and the North West London Integrated Care Board must be in attendance. Should the quorum not be secured the meeting will not take place.**
- 11.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. Nor will there be an informal meeting. The Chair may announce the time and date that the meeting will be convened.**
- 11.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Board.**

12. Duration of Meetings

12.1 Commencement and Closure

Meetings of the Board will commence at the time stated on the agenda.

12.2 Determining Business Upon Closure

12.2.1 At the time of closure the Chair will advise the Board that:

- 12.2.1.1 any speech commenced and then in progress shall be concluded;**

12.2.1.2 **the Chair will put any motion or recommendation then under consideration to the vote without further discussion;**

12.2.1.3 **any remaining business before the Board shall be put to the vote without discussion or further amendment.**

13. Petitions

13.1 Presentation of Petitions

13.1.1 Petitions relating to a function of the Board shall be presented to the appropriate meeting of the Board. If the petitioners request that the petition be presented at a meeting of the Board this can be done in the following ways:

13.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the Board meeting, and request to read the petition to the meeting;

13.1.1.2 the petitioners may approach a Member of the Board and ask them to read the petition on their behalf;

13.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

13.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

Deputations

13.2 **The Board may receive a deputation on any matter appearing on the relevant agenda.**

13.3 Requests for deputations must be in writing and supported by the signatures of at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.

- 13.4 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although the Board can waive this requirement on the grounds of urgency.
- 13.5 The deputation to the meeting must consist of not more than four people. Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed 10 minutes.
- 13.6 **The time allowed for questioning of the deputation by Members of the Board will be 10 minutes.**
- 13.7 **The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.**
- 13.8 **The Board shall receive no more than two deputations per meeting.**
- 13.9 **No deputation shall be received by the Board within 6 months after a deputation has appeared before it on the same or a similar subject.**
- 13.10 Members of the Board and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.
- 13.11 **Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council or North West London Integrated Care Board.**

14. Public Questions

14.1 General

14.1.1 Members of the public may question the Chair of the Board at meetings. Questioners will not be allowed to address the Board generally on a matter, they may only ask questions relating to matters within the terms of reference of the Board. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

14.2 Time Limit for Questions

14.2.1 There will be a total limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached, no further

questions can be asked but a questioner can complete a question or a supplemental question and the respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Board member answering believes that a longer response is necessary an oral summary will be given and a full reply shall be completed in writing.

14.3 Order and Notice of Questions

- 14.3.1 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
- 14.3.2 A question may only be asked if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at publicquestions@harrow.gov.uk no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and state that the question is to the Chair of the Board.
- 14.3.3 Without **prejudicing 14.3.2 above, where a report is circulated after the normal Board despatch by supplemental agenda a question may be asked, if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at publicquestions@harrow.gov.uk no later than 3.00 pm ONE clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and state that the question is to the Chair of the Board.**
- 14.3.4 The Chair of the Board may arrange for another Member of the Board to answer on his or her behalf.
- 14.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address, postal address or fax number.

14.4 Number of Questions

- 14.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The

Chair may reject a supplemental question if it falls within any of the categories in paragraph 14.5 below.

14.5 **Scope of Questions**

14.5.1 The Monitoring Officer may reject a written question if it:

14.5.1.1 would risk defamation of an individual or is frivolous or offensive; or

14.5.1.2 does not relate to a matter to which the Council has powers or duties; or

14.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or

14.5.1.4 would require the disclosure of confidential or exempt information; or

14.5.1.5 is substantially the same as a question which has been put at any meeting of the Board in the last six months.

14.5.1.6 is within the invalid categories referred to at 14.1 above.

No invalid questions will be circulated.

14.6 **Record of Public Questions**

14.6.1 **The Monitoring Officer will make written questions available for public inspection and will immediately send a copy of the written question to the person to whom it is to be put. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.**

14.6.2 Copies of all valid questions will be circulated to all Members of the Board and made available to the public at the meeting.

14.7 **Asking the Question at the Meeting**

14.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on his or her behalf.

14.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.

14.7.3 The Chair may either:

14.7.3.1 ask the question on the questioner's behalf; or

14.7.3.2 indicate that a written reply will be given; or

14.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

14.8 **Written Answers**

14.8.1 Any written question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Board.

14.9 **Reference of a Question to another Body**

14.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to the appropriate body of Harrow Council or the North West London Integrated Care Board. Such a proposal will be voted on without discussion.

15. **Confidential Business**

15.1 **All reports, other documents, information, discussions and proceedings of the Board which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Board. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Board meeting following a resolution to exclude the press and public.**

16. Voting

16.1 Majority

16.1.1 Any matter will be decided by a simple majority of those Members of the Board voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

16.2 Chair's Casting Vote

16.2.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

16.3 Individual Recorded Vote and Explanation for Vote

16.3.1 If, immediately before the vote is taken, any Member of the Board present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

16.3.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member of the Board's reason for voting or not voting.

16.4 Voting on Appointments

16.4.1 If there are more than two people nominated for any position to be filled by the Board and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

17. Minutes

17.1 Signing the Minutes of the Board

17.1.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

17.2 Minutes of Decisions of the Board

17.2.1 Minutes of the Board shall be published on the Council's intranet and website.

18. Record of Attendance

18.1 **All Members of the Board present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.**

19. Exclusion of the Public

19.1 **Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4G of the Constitution of London Borough of Harrow or under Rule 24 of Part 4B of the Constitution (Disturbance by the Public).**

20. Members' Conduct

20.1 Precedence of Chair

20.1.1 When the Chair speaks during a debate, any Member of the Board speaking at the time must stop speaking. The meeting must be silent.

20.2 Member not to be heard further

20.2.1 If a Member of the Board persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

20.3 Member of the Board to leave the Meeting

20.3.1 If the Member of the Board continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

20.4 **General Disturbance**

20.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as they think necessary.

21. **Disturbance by the Public**

21.1 **Removal of Member of the Public**

21.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

21.2 **Clearance of Part of a Meeting Room**

21.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

21.3 **Adjournment**

21.3.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

21.3.2 If it is considered expedient so to do, the Chair with the agreement of the Members of the Board present may adjourn the meeting for such duration as is considered appropriate.

22. **Suspension and Amendment of Board Procedure Rules**

22.1 **Suspension**

22.1.1 **All of these Board Procedure Rules except the Rules on Reserving (2), Individual Recorded Vote and Explanation for Vote (16.3), Exclusion of the Public (21), Suspension and amendment of Board Procedure Rules (22), may be suspended by motion on notice or without notice if at least one half of all members of the Board are present and where such a motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.**

22.2 Amendment

22.2.1 The Board Procedure Rules may only be changed by the Council.

23. Ruling of the Chair on Interpretation of these Rules

23.1 **The Chair's ruling on the interpretation or application of any of the Board Procedure Rules is final.**

C. Budget and Policy Framework

Procedure Rules

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Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in the Articles. Once the budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. The Process for the Development of the Budget

Timetable and consultation

- (a) Before the publication of any draft budget proposals, the Executive shall agree a timetable for the consideration of the budget. The timetable shall accord with these Rules, statutory requirements and shall also detail the process for consultation on the budget with local stakeholders and others.
- (b) The Executive shall then arrange appropriate consultation on these draft budget proposals with local stakeholders and others. Details of the consultation process shall be included in the Forward Plan of the Authority.

Reference to the Overview and Scrutiny Committee

- (c) The draft budget proposals of the Executive shall also be referred to the Overview and Scrutiny Committee for advice and consideration. A copy of the proposals shall be sent as soon as available to all members of that Committee.
- (d) The Overview and Scrutiny Committee may conduct further consultation as it considers appropriate except that this should not duplicate any consultation already carried out or proposed to be carried out by the Executive and should not delay the timetable set out by the Executive.
- (e) The Overview and Scrutiny Committee shall report to the Executive on the outcome of their consideration of the draft budget proposals and may make such recommendations, as it considers appropriate. The Executive must consider any report or recommendations made by the Overview and Scrutiny Committee before it submits its budget to the Council for approval. When making its report to the meeting of the Council on the budget the Executive must state how it has taken into account any recommendations from the Overview and Scrutiny Committee.

Consideration of the budget by the Council

- (f) The Council may:

- adopt the budget proposals of the Executive;
 - amend them;
 - refer them back to the Executive for further consideration.
- (g) A decision by Council to adopt the proposals comes into effect immediately.
- (h) A decision to amend or refer back the proposals shall come into effect after five clear working days from the day on which the Council meeting makes its decision unless the procedure in (j) below is invoked by the Leader.
- (i) In circumstances where the Executive budget proposals have been amended and before the expiry of the five clear working days period, the Leader of the Council may give notice to the Director of Legal & Governance Services that they object to some or all of the amendments made by the Council. The decision of the Council shall not then come into effect until the completion of the procedure in sub-paragraph (j) below.
- (j) When the Leader of the Council gives notice to the Director of Legal & Governance Services under sub-paragraph (j) above or where the Council has decided to refer the budget back to the Executive the Director of Legal & Governance Services shall:
- (i) arrange for a meeting of the Executive to consider the proposals made by the Council. The Executive may:
 - agree with the proposals of Council;
 - reject the proposals of Council;
 - make further amendments;
 - agree some and reject some of the proposals of Council.
 - (ii) following the meeting of the Executive, convene a further meeting of Council to give further consideration to the budget. The further meeting of the Council shall be called for the day that is not more than 14 calendar days nor less than 7 calendar days after the giving of notice by the Leader, and shall commence at the time set out on the agenda, unless agreement is reached by the Chair and the Leaders of all political groups on the Council to an alternative date or time.

- (k) The Council at its further meeting to consider the budget can agree the proposals of the Executive or can amend the proposals. Their decision is then effective immediately.

Budget variation

- (l) When approving the budget the Council shall also specify the extent of controls (if any) on the use of contingencies and reserves which may be undertaken by the Executive in accordance with paragraph 6 of these Rules. The Executive may not make any other changes to the budget determined by the Council.

After setting the budget

- (m) As soon as practicable after the determination of the budget the Executive shall publish and make available to the public information on the budget determined for the following Municipal Year.

3. The Process for the Development of the Policy Framework

Timetable and consultation

- (a) The plans and strategies which comprise the policy framework are set out in Article 3:
- (b) At the start of each Municipal Year the Executive will determine a timetable for the preparation and consideration of the plans and strategies referred to in (a) above that are required to be made in that year. The timetable will detail the meeting of the Executive which it is expected that the plan or strategy will be agreed for recommendation to Council, the meeting of the Overview and Scrutiny Committee to which the matter is to be referred (see (e) below) and the date of the Council meeting at which the recommendation will be considered.
- (c) The Executive shall arrange appropriate consultation on the proposed plans and strategies with local stakeholders and others as determined by the Executive. Details of the consultation process shall be included in the Forward Plan of the Authority.

Reference to the Overview and Scrutiny Committee

- (d) A copy of any proposed plan or strategy which is part of the policy framework shall also be referred to the Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the plan or strategy concerned. The Council shall not agree a plan or strategy until the Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

Consideration by the Council

- (e) The Council may:
- adopt the proposals of the Executive;
 - amend them;
 - refer them back to the Executive for further consideration; or
 - substitute its own proposals in their place.
- (f) A decision of the Council to adopt the proposals comes into effect immediately.
- (g) A decision to amend, refer back or substitute the proposals shall come into effect after five clear working days from the day on which the Council meeting makes its decision, unless the procedure in (i) below is invoked by the Leader.
- (h) In circumstances where the plan or strategy has been amended or substituted and before the expiry of the five clear working days period, the Leader of the Council may give notice to the Director of Legal & Governance Services that they object to some or all of the amendments made by the Council. The decision of the Council shall not then come into effect until the completion of the procedure in sub-paragraph (i) below.
- (i) When the Leader of the Council gives notice under sub-paragraph (i) above to the Director of Legal & Governance Services or where the Council has decided to refer the matter back to the Executive for further consideration, the Director of Legal & Governance Services shall refer the matter to the next scheduled meeting of the Executive. The Executive may agree the proposals of the Council, reaffirm its original proposals, or make further amendments. The decision of the Executive shall then be referred back to the Council. The Council can agree the proposals of the Executive or amend the proposals. The decision reached by the Council then has immediate effect.

Variation

- (j) When approving any plan or strategy the Council shall also specify the extent of variation within the plan or strategy that may be undertaken by the Executive in accordance with paragraphs 7 of these Rules. The Executive may only make such other changes to a plan or strategy as have been agreed by the Council.

After Council determination

- (k) After the plan or strategy has been determined by the Council the Executive shall publish and make available to the public information on the contents of the plan or strategy. The plan or strategy shall also be made available for public inspection and included on the Council web-site, and copies made available at reasonable cost.

4. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 6 (Virement), the Executive, individual members of the Executive, and any officers or joint arrangements discharging executive functions, may only take decisions, which are in accordance with the budget or policy framework. If any of these bodies or persons wishes to take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may (subject to paragraph 5 below) only be taken by the Council.
- (b) Any member of the Council or a Committee or sub-committee of the Council wishing to raise a question as to whether any decision made or likely to be made by the Executive is contrary to the policy framework or contrary to or not wholly in accordance with the budget, shall refer the question to the Monitoring Officer and/or the Chief Financial Officer as appropriate. If either of these officers considers that the decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget they shall immediately inform the Chair of the body making the decision or the individual making the decision. The decision may not then be implemented and must be referred to the Council for decision.
- (c) The Monitoring Officer or Chief Financial Officer may conclude that a decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget without it first being raised by a Councillor, a Committee or sub-committee. They must then inform the relevant Chair or individual decision-taker and the decision may not then be implemented and must be referred to the Council for decision.

This Rule shall not apply where a decision has been taken within the exception permitted by Rule 5.

5. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Executive, individual member of the Executive or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget, if the decision is a matter of urgency.

- (b) Such a decision on grounds of urgency may, however, only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of the Overview and Scrutiny Committee or in his/her absence the Mayor, or in the absence of both, the Deputy Mayor, agrees in writing that the decision is a matter of urgency.
- (c) The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the Chair of the Overview and Scrutiny Committee or Mayor or Deputy Mayor must be noted on the record of the decision.
- (d) Following the decision, the body or person taking the decision will report to the next meeting of the Council, explaining the decision, the reasons for it, and why it was treated as a matter of urgency.

6. Virement

The Virement Policy is contained within the Financial Regulations at Part 4K Section 3.

7. In-year Changes to the Budget and Policy Framework

No changes may be made to the budget or policy framework by the Executive, individual members of the Executive, or officers, or joint arrangements discharging Executive functions except those:-

- (i) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- (ii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (iii) permitted under B48 of the Financial Regulations (additions in year to the capital programme).

8. Call-In Decisions Outside the Budget or Policy Framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive decision would be, or if made is, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

- (b) In respect of functions, which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Financial Officer's report shall be sent to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the officer's report and prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure from the Budget and Policy Framework, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure from the Budget and Policy Framework.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is, or would be contrary to, the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may:
- (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, the Executive is required to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Financial Officer or both.

Executive Procedure Rules

1. Application of these Rules

1.1 These Rules apply to the Executive and meetings of the Executive (being either a meeting of a number of Members of the Executive or the Leader when taking a Key Decision by way of a Portfolio Holder Meeting). Some Rules also apply to a Member meeting alone.

1.2 Rules 1 to 35 apply to the Executive. Rules 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 apply to the Advisory Panels and Consultative Forums of the Council and any Sub-Panels and Sub-Forums established by them as well as to the Executive. Rules 36 to 49 set out additional rules which apply only to the Advisory Panels and Consultative Forums of the Executive. These are currently:

1.2.1 Advisory Panels

1.2.1.1 Corporate Parenting

1.2.1.2 Harrow Business Consultative

1.2.1.3 Traffic & Road Safety

1.2.1.4 Planning Policy

1.2.2 Consultative Forums

1.2.2.1 Employees' Consultative

2. Executive Decisions

2.1 Executive functions may be exercised by:

2.1.1 the Executive as a whole;

2.1.2 a Committee or sub-committee of the Executive;

2.1.3 an individual Member of the Executive;

2.1.4 an officer;

2.1.5 an arrangement with another authority for the discharge of functions.

2.2 A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

2.2.1 **Definition of Executive Meeting**

An Executive meeting shall include:

2.2.1.1 a meeting open to all Members of the Executive.

2.2.1.2 a committee or sub-committee of the Executive.

2.2.1.3 An individual Member of the Executive (Portfolio Holder) when making Key Decisions.

3. **Delegation by the Executive**

3.1 The Leader or, in the absence of the Leader, the Deputy Leader will present to the Council a written record of delegations made by them at the Annual Meeting of the Council for inclusion in the Allocation of Responsibilities (set out in Part 3 of this Constitution).

3.2 The document presented by the Leader or, in the absence of the Leader, the Deputy Leader must contain the following information relating to Executive functions in the ensuing Municipal Year:

3.2.1 the name of the Executive Member who will serve as Deputy Leader;

3.2.2 the names and Wards of the Councillors appointed to the Executive;

3.2.3 the nature of the Portfolios to be held by each Executive Member;

3.2.4 the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;

3.2.5 the nature and extent of any deputising arrangements within the Executive;

3.2.6 any changes to the terms of reference and constitution of the Executive Committees or Executive Sub-committees and the names of the Executive Members appointed to them;

- 3.2.7 any changes to the nature and extent of any delegation of Executive functions to any other authority or any arrangements with another authority for the discharge of functions and the names of those Executive Members appointed to any joint committee for the coming year;
- 3.2.8 any changes to the nature and extent of any delegation of Executive functions to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made;
- 3.3 In an election year the documents referred to in 3.2 above may be presented by the Leader or, in the absence of the Leader, the Deputy Leader to the first Council meeting following the Annual Meeting. This may be a special meeting convened for the purpose.

4. Sub-delegation of Executive Functions

- 4.1 The Executive, or an individual Member of the Executive, may delegate functions for which they are responsible only to the extent permitted within the Allocation of Responsibilities in Part 3 of the Constitution.

5. The Council's Allocation of Responsibilities and Executive Functions

- 5.1 The Council will approve a Scheme of Delegations or Allocation of Responsibilities, and may amend it at any time by resolution, but will normally undertake any revision at its annual meeting. However, in years where whole Borough elections are held, notification of the Scheme of Delegation or Allocation of Responsibilities may be presented at the next Council meeting after the Annual Meeting.
- 5.2 The Executive, or individual Member of the Executive exercising functions by virtue of the Scheme of Delegation or Allocation of Responsibilities, may make proposals for changes to the Scheme of Delegation or Allocation of Executive responsibilities, but any such proposals must be agreed by the Leader and reported to the next available Council meeting.
- 5.3 The Leader may appoint up to two non-executive members of Cabinet in an advisory and consultative capacity. These appointees may speak but not vote on items before Cabinet in private and public meetings and have commensurate access to documents as full Cabinet Members except for draft Cabinet reports which will be restricted to Portfolio Holders.

6. Conflicts of Interest

- 6.1 If an individual Member of the Executive has a conflict of interest or if every Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.
- 6.2 If the exercise of an Executive function has been delegated to an individual Portfolio Holder and a conflict of interest arises, then the function may be exercised, by the Leader or Deputy Leader. In the case where an officer is unable to take a delegated decision due to a conflict of interest, and no scheme exists within the department which allows referral of that decision to another appropriate officer, that decision will be referred to the relevant Portfolio Holder, or the Leader or Deputy Leader.
- 6.3 If a conflict of interest arises for the Leader or Deputy Leader where the decision would have been referred to them, then that decision may be referred to Cabinet

7. Urgent Business

- 7.1 Urgent business may only be considered where:
- 7.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or
- 7.1.2 a Member of the Executive or any Statutory Officer has requested that an item is placed on the agenda for the meeting at any time before the start of the meeting and the Executive agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

8. Executive Meetings

8.1 Time, place and changes to meetings

- 8.1.1 The Executive will meet at time and place published on the agenda.
- 8.1.2 The Leader or, in the absence of the Leader, the Deputy Leader may convene additional meetings of the Executive, provided that the requirements of the Access to Information Procedure Rules in Part 4G of this Constitution are complied with.

8.1.3 The date and time of a meeting of the Executive may be changed by the Leader or, in the absence of the Leader, the Deputy Leader upon giving five clear working days' notice.

8.2 **Special Meetings**

8.2.1 Those listed below may request the Monitoring Officer to call Executive meetings in addition to ordinary scheduled meetings:

8.2.1.1 the Executive by resolution;

8.2.1.2 the Leader of the Council;

8.2.1.3 the Monitoring Officer (where the proper officer is not also the Monitoring Officer); or Chief Financial Officer;

8.2.1.4 at least one-third of the Members of the Executive, if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

8.2.2 The date, time and place of special meetings will be set by the Monitoring Officer of the Council.

8.2.3 The Monitoring Officer must give public notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one at least 5 clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened.

8.2.4 Where a meeting is convened at short notice, no item of business shall be considered unless a copy of the agenda including the item of business has been available for inspection by the public from the time that the agenda for the meeting was sent to members.

8.3 **Business**

8.3.1 Business at special meetings of the Executive shall be restricted to any item of business specified by the Executive, Leader, Monitoring Officer or Chief Financial Officer when calling the meeting or specified in the requisition presented by at least one-third of the Members of the Executive.

8.3.2 Business at the same special meeting may be added to the agenda subject to the agreement of the Monitoring Officer following consultation with the Leader of the Council and the leader(s) of the Opposition Group(s), stating reasons for urgency.

9. **Meetings of the Executive to be held in Public**

9.1 All meetings of the Executive will be held in public. These meetings will be governed by the Access to Information Procedure Rules in Part 4G of this Constitution. Where the Executive is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press and public in accordance with the Access to Information Procedure Rules, having given 28 clear calendar days' notice of the intention to hold a private meeting (or part private).

10. **Quorum**

10.1 Subject to Rule 10.2, the quorum for a meeting of the Executive shall be a minimum of three.

10.2 In order for an Executive meeting to be quorate, the Leader or Deputy Leader must be present unless they are precluded from participating in the item of business by reason of a conflict of interest

11. **Procedure for Decision Making by the Executive**

11.1 Executive decisions taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.

11.2 Where Executive Key Decisions are delegated to individual Executive Members in accordance with paragraph 3.2.4, those decisions shall be taken in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.

11.3 Where Executive Key Decisions are delegated to officers of the Council, those decisions may be taken in private, but notice that the decision will be taken and notification of the decision made must be in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.

12. Conduct of Executive Meetings

12.1 Chair of the Executive

12.1.1 At a meeting of the whole Executive the Leader shall preside if they are present. In the absence of the Leader, the Deputy Leader shall preside. If neither the Leader nor Deputy Leader are present, the meeting shall not proceed unless they are precluded from participating in the item of business by reason of a conflict of interest.

13. Attendance at Executive Meetings

13.1 Non-Executive Members of the Council, members of the public and press may attend all meetings of the Executive, subject to Rule 9 above.

13.2 Non-Executive Members of the Cabinet may attend meetings of the Cabinet.

13.3 The Head of Paid Service, Corporate Directors, Chief Finance Officer and the Monitoring Officer should normally be present at all meetings. Other officers of the Council may attend meetings as appropriate and as arranged by the Head of Paid Service and Corporate Directors.

14. Petitions

14.1 The Council has a petition scheme and this will be followed. It can be found at appendix A to Council procedure rules

14.2 Notice and consideration of petitions

14.2.1 There is no need for any advance notice to be given of the wish to present a petition to the Executive.

15. Public Questions

15.1 General

15.1.1 Members of the public may question the Executive and Portfolio Holders at meetings. Questioners will not be allowed to address the Executive generally on a matter, they may only ask questions relating to matters within the terms of reference of the Executive. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

`Time limit for questions

15.1.2 There will be a time limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached no further questions can be asked but a questioner can complete a question or a supplemental question, and the Member can complete a reply. Unless the Chair permits otherwise a reply to a question shall not exceed three minutes. If the Member answering believes that a longer response is necessary an oral summary will be given and a full reply shall be completed in writing.

15.2 Order and notice of questions

15.2.1 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

15.2.2 A question may only be asked if notice has been given in writing to the Monitoring Officer at Democratic Services, Harrow Council, Harrow Council Hub, Forward Drive, Harrow or publicquestions@harrow.gov.uk no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and give the name of the Member of the Executive to whom it is to be put.

15.2.3 Without prejudicing 15.3.2 above, where a report is circulated after the normal Cabinet agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing to the Monitoring Officer at publicquestions@harrow.gov.uk no later than **3.00 pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member of the Executive to whom it is to be put.

15.2.4 Where reports are published after 1 clear working day before the date of the meeting, a question may only be asked subject to the agreement of the Chair of the meeting.

15.2.5 The Member of the Executive to whom any question is put may arrange for another Member of the Executive to answer on his or her behalf.

The Council takes no responsibility for questions which are sent and fail to reach the correct address.

15.3 **Number of questions**

15.3.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in Rule 16.5 below.

15.4 **Scope of questions**

15.4.1 The Monitoring Officer may reject a question if it:

15.4.1.1 is not about a matter for which the Authority has a responsibility or which does not affect the Borough;

15.4.1.2 would risk defamation of an individual or is frivolous or offensive; or otherwise improper;

15.4.1.3 is substantially the same as a question which has been put at any meeting of the Executive in the last six months; or

15.4.1.4 requires the disclosure of confidential or exempt information.

15.5 **Record of public questions**

15.5.1 The Monitoring Officer will send a copy of the question to the Member to whom it is to be put.

15.5.2 Copies of all questions will be circulated to all Members of the Executive, will be made available to the public at the meeting and published on the Council's website after they have been accepted prior to the meeting.

15.6 **Asking the question at the meeting**

15.6.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on their behalf.

15.6.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may either:

15.6.2.1 ask the question on the questioner's behalf; or

15.6.2.2 indicate that a written reply will be given; or

15.6.2.3 decide, in the absence of the questioner, that the question will not be dealt with.

15.7 **Written answers**

15.7.1 Any question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and include in the minutes.

15.8 **Reference of a Question to another Body**

15.8.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to an Advisory Panel, Consultative Forum, Portfolio Holder, Committee or sub-committee. Such a proposal will be voted on without discussion.

16. **Questions by Members**

16.1 **Questions with Notice**

16.1.1 Subject to Rule 16.2, a Councillor may ask a Portfolio Holder (Member of the Executive) a question (which depending on its nature may be dealt with in either public or private session) on any matter in relation to which the Executive has powers or duties. For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting.

16.1.2 A limit of 15 minutes shall be given to the asking and answering of written questions by Councillors under this Rule.

16.2 **Notice of Questions**

16.2.1 A Councillor may only ask a question under Rule 16.1 if either:

16.2.1.1 they have submitted such question by 3.00 pm, two clear working days before the day of the meeting in writing, to the Monitoring Officer; or

- 16.2.1.2 without prejudicing 16.1.1 above, where a report is circulated after the normal Cabinet agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing, by fax or by e-mail to the Monitoring Officer no later than **3.00 pm ONE** clear working day before the date of the meeting; or,
- 16.2.1.3 the question relates to urgent matters, and they have the consent of the Portfolio Holder to whom the question is to be put and the content of the question is given to the Monitoring Officer by 12 noon on the day of the meeting.
- 16.2.1.4 Where reports are published after one clear working day before the date of the meeting, a question may only be asked subject to the agreement of the Chair of the meeting.
- 16.2.2 Questions will be asked in the order they are received by the deadline for submission of such to the Monitoring Officer.

16.3 **Response**

An answer may be given by the Portfolio Holder whom the question was asked or by another Portfolio Holder as is considered appropriate.

An answer may take the form of:

- 16.3.1 a direct oral answer;
- 16.3.2 where the desired information is a publication of the Council or other published work, a reference to that publication; or
- 16.3.3 where the reply cannot conveniently be given orally, a written answer supplied later to the questioner.

16.4 **Supplementary Question**

- 16.4.1 A Councillor asking a question under Rule 16.1 may ask one supplementary question without notice of the Portfolio Holder of whom the first question was asked. The supplemental question must arise directly out of the original question or reply.

16.5 **Limits to the Length of Questions and Responses**

- 16.5.1 A questioner may only ask one direct question and one supplementary question, in the case of a question from a Councillor and may not seek to address the Executive meeting on any issues arising.
- 16.5.2 A Portfolio Holder giving an answer may speak for no longer than three minutes in replying to that question (two minutes in respect of a supplemental question/answer). If a Portfolio Holder believes that a longer answer is necessary an oral summary will be given and a full reply shall be completed in writing and sent to the questioner and included in the minutes of the meeting. Every question shall be put and answered without discussion.

16.6 **Invalid Questions**

- 16.6.1 The Chair may, in consultation with the Monitoring Officer, rule out of order questions which in their opinion:
- 16.6.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper; or
 - 16.6.1.2 do not relate to a matter for which the Executive has powers or duties or which does not affect the London Borough of Harrow; or
 - 16.6.1.3 would require the disclosure of confidential or exempt information; or
 - 16.6.1.4 is substantially the same as a question which has been put at any meeting of the Executive in the last six months.

17. **The Business of Meetings**

- 17.1 At each meeting of the Executive, the following business will be conducted where appropriate:
- 17.2 **Apologies**
- 17.2.1 Approving the minutes of the last meeting;
- 17.2.2 declarations of interest and any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee (if any); and any declarations of a 'conflict of interest'.

- 17.2.3 petitions and public questions (if any);
- 17.2.4 matters referred to the Executive (whether by the Overview and Scrutiny Call-in sub-committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.
- 17.2.5 consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- 17.2.6 consideration of proposals for the budget and policy framework, prior to making decisions on them;
- 17.2.7 consideration of the Key Decision Schedule (KDS);
- 17.2.8 other matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions in accordance with the Access to Information Procedure Rules set out in Part 4G of this Constitution.

18. **Reports of statutory officers**

18.1 Matters referred to the Cabinet under Paragraph 22.

18.2 **Decisions to be taken only on a report**

18.3 The Executive, Executive Committee or an individual Executive decision-taker, may only take a decision upon consideration of a written report from the relevant officer of the Council.

18.4 Reports from officers will follow a standard format including the following statutory requirements:

18.4.1 Observations of the Chief Financial Officer

18.4.2 Observations of the Monitoring Officer

18.4.3 Details of background papers

18.4.4 Reasons for Recommendation

18.4.5 Options Considered and Rejected

18.4.6 List of Background Papers which will be published on the website and made available to the public

18.5 **Who may speak at Executive Meetings**

18.5.1 The Non Executive Members of Cabinet may speak on items before the Cabinet in Private or Public meetings.

18.5.2 A Member of the Council who is not an Executive Member and not the Leader of an opposition may only speak if invited to do so by the Chair and with the agreement of the Executive.

18.6 **Motions referred to the Executive or Portfolio Holder**

18.6.1 A Member of the Council, who has proposed a motion which has been referred to the Executive or to a Portfolio Holder, shall be given at least five clear working days notice of the meeting at which the motion will be considered by the Monitoring Officer. If the Member attends the meeting but is not a Member of the Executive, and if invited to do so by the Chair and with the agreement of the Executive he or she shall have an opportunity to explain the motion to the Executive or Portfolio Holder.

19. **Consultation**

19.1 All reports to the Executive on draft proposals relating to the budget or policy framework must contain details of consultation to be undertaken with stakeholders and relevant Overview and Scrutiny Committee or Scrutiny sub-committees. Final proposals must include details of the outcome of that consultation.

19.2 Reports on other matters must set out the details and outcome of consultation as appropriate to the matter under consideration.

20. **Executive Agenda**

20.1 The Leader or any Member of the Executive may request that the Monitoring Officer places an item on the agenda of the next available Executive meeting.

20.2 The Monitoring Officer will place the item on the agenda of the next available meeting of the Executive in accordance with the Access to Information Procedure Rules if the Call-In sub-committee or if the full Council has resolved that an item must be reconsidered by the Executive.

- 20.3 Any non-Executive Member of the Council may request the Leader to put an item on the agenda of an Executive meeting for consideration. If the Leader agrees, the item will be considered in accordance with the Access to Information Procedure Rules at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This Councillor will be invited to attend the meeting and may be invited to speak as set out in Rule 20 above.
- 20.4 The Monitoring Officer and Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and/or may call or be required to call a meeting in pursuance of their statutory duties. In other circumstances, where both the Chief Financial Officer and the Monitoring Officer are of the opinion that an Executive meeting needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

21. **Voting Procedure**

- 21.1 The Executive will decide all matters before it on a collective basis except where dissent is recorded by Members, by simple majority. The Chair will have a casting vote.
- 21.2 The Non Executive Members of Cabinet may not vote on items before any meeting of the Cabinet.

21.3 **Individual recorded vote and explanation for vote**

If immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

21.4 **Voting on Appointments**

21.4.1 If the Executive is required to make an appointment to a position and there are more than two people nominated for that position and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

22. **Guillotine**

22.1 Meetings of the Executive will not last longer than 2.5 hours, except as determined under Rule 22.2 below.

22.2 **Varying the Closure Time**

22.2.1 A meeting of the Executive shall terminate in the manner set out in Rule 22.3 below unless:

22.2.1.1 the business of the meeting has been completed before the expiry of 2.5 hours; or

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

- (a) to continue in the normal manner and complete the business remaining on the summons; or
- (b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate.
- (c) No meeting of the executive may continue past 10:30 pm.

22.2.2 For the avoidance of doubt, a meeting may use the provisions within 22.2.1.2(b) above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.

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

22.3 **Determining Business upon Closure**

22.3.1 At the time of closure the Chair will advise the Executive that the procedure to terminate the meeting is to be applied.

22.4 Any speech commenced and then in progress shall be concluded.

22.5 The Chair will put any motion or recommendation then under consideration to the vote without further discussion.

All remaining business before the Executive (inclusive of recommendations, motions and amendments already moved) shall be put to the vote without discussion or further amendment.

23. **Key Decisions taken by Portfolio Holders**

23.1 A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

23.2 All Key Decisions to be taken by a Portfolio Holder will follow the Access to Information Procedure Rules in Part 4G of this Constitution.

23.3 At each meeting, the following business will be conducted:

23.3.1 declarations of any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee and declarations of any conflicts of interest;

23.3.2 petitions and public questions, if any;

23.3.3 matters referred to the Executive Member (whether by the Call-in Sub-Committee or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure;

- 23.3.4 consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- 23.3.5 consideration of items for decision as set out in the agenda for the meeting.

23.4 **Who may speak**

- 23.4.1 Any Member of the Council may attend a meeting of a Portfolio Holder but may only speak if invited to do so by the Portfolio Holder.

24. **Implementation of Executive Decisions**

- 24.1 In order to allow for Call-In, no Executive decision can be implemented until the expiry of five clear working days after the decision has been published, unless the decision-taker resolves as part of the decision that its implementation is urgent when the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure apply.

25. **Confidential Business**

- 25.1 All reports, other documents, information, discussions and proceedings of the Executive, or Portfolio Holder or an Advisory Panel or Consultative Forum of the Executive which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the meeting following a resolution to exclude the press and public.

Executive Meetings and Key Decisions taken by the Leader (PHD Meeting) shall be subject to paragraph. 5 (Part 2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Access to Information Procedure Rules set out the requirements for advance notice of any private meeting.

25.2 **Minutes of the Executive, Advisory Panels, Consultative Forums, Sub Panels and Sub-Forums**

- 25.2.1 Minutes of the Executive, Advisory Panels and Consultative Forums, Sub Panels and Sub Forums shall be published on the Council's intranet and website.

25.3 Production of Decision Notices and Minutes for Cabinet Meetings

25.3.1 A Decision Notice will normally be published on the Council's website on the day immediately following the Cabinet Meeting thereby setting/invoking the Call-in period. Minutes of the Cabinet and other Executive Meetings will normally be published within five clear working days of the meeting.

25.3.2 Minutes of the Advisory Panels, Consultative Forums, Sub-Panels and Sub-Forums will normally be published within five clear working days of the meeting.

26. Record of Attendance

26.1 All Members present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.

27. Exclusion of the Public

27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution or under Rule 29 (Disturbance by the Public) below.

28. Members' Conduct

28.1 Precedence of Chair

When the Chair speaks during a debate, any Member of the Executive or Member of the Panel, Forum, Sub-Panel or Sub-Forum speaking at the time must stop speaking. The meeting must be silent.

28.2 Member not to be heard further

28.2.1 If any Member present persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

28.3 Member to leave the meeting

28.3.1 If the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum continues to behave improperly after such a motion is carried, the Chair may move that either the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

28.4 General disturbance

28.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

29. Disturbance by Public

29.1 Removal of Member of the Public

29.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. (See also 27.1 above)

29.2 Clearance of Part of a Meeting Room

29.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

29.3 Adjournment

29.3.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

29.3.2 If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

30. **Suspension and Amendment of Executive Procedure and Advisory Panel and Consultative Forum Procedure Rules**

30.1 **Suspension**

All of these Executive Rules of Procedure except Rules on Confidential Business, Record of Attendance, Exclusion of the Public, Suspension and Amendment of Executive Procedure Rules and Reserving may be suspended by motion with or without notice if at least one half of all Members of the Executive, a Committee or Sub-committee (or the Advisory Panel or Consultative Forum or Sub-panel or Sub-forum are present and where such motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

30.2 **Amendment**

30.2.1 Executive Procedure Rules and Advisory Panel and Consultative Forum Procedure Rules may only be changed by the Council. (Please see Article 1 regarding amendments to the Constitution).

31. **Ruling of the Chair on Interpretation of these Rules**

31.1 The Chair's ruling on the interpretation or application of any of the Executive Procedure Rules is final.

31.2 The Chair's ruling on the interpretation or application of any of the procedure rules relating to an Advisory Panel and Consultative Forum is final.

32. **Additional Rules for the Advisory Panels and Consultative Forums of the Executive**

32.1 Rules 32 to 49 are specific rules applicable to the Advisory Panels and Consultative Forums established by the Executive. They apply to all Advisory Panels and Consultative Forums unless the Executive approves otherwise.

33. **Establishment of Advisory Panels and Consultative Forums**

33.1 The Executive, at its first meeting after Annual Council will:

33.1.1 decide which Advisory Panels ('Panels') and Consultative Forums ('Forums') to establish for the Municipal Year;

- 33.1.2 decide the size and terms of reference of those Panels and Forums;
- 33.1.3 decide the allocation of seats (and reserves) to Councillors of each political group in accordance with the rules on political proportionality;
- 33.1.4 appoint a Chair for each Advisory Panel and Consultative Forum for the Municipal Year.
- 33.2 Advisory Panels and Consultative Forums may be appointed by the Executive to assist the Executive by making recommendations on any matters within their terms of reference.
- 33.3 Advisory Panels and Consultative Forums are not Executive meetings as defined in Rule 32 above and may not be given delegated powers in relation to any Executive function of the Authority.
- 33.4 The membership of an Advisory Panel or Consultative Forum may include both Executive and non-Executive Members. The Executive may also appoint non-voting co-opted members to the Advisory Panels and Consultative Forums and they may appoint advisers to assist the work of the Panel or Forum either generally or on specific matters. Advisers will be subject to the Protocol on Co-optees and Advisers and to any other rights or restrictions agreed by the Panel or Forum.
- 33.5 The allocation of seats between political groups on the Advisory Panels and Consultative Forums shall be determined according to the rules on political proportionality.
- 33.6 Advisory Panels shall conduct their business in accordance with these Rules unless the Executive approves otherwise.

34. Appointment of Reserves to Advisory Panels and Consultative Forums

34.1 Allocation

- 34.1.1 The Executive will allocate Councillors to Panels and Forums and will allocate seats in the same manner for reserve Councillors.
- 34.1.2 Non-Councillor members and reserves for non-councillor members will be appointed by the Executive in the manner agreed by the Panel or Forum concerned.

34.2 **Number**

34.2.1 For each Panel and Forum, the Executive will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Panel or Forum. A group that has an entitlement to less than three Members may however appoint three reserve Members for the Panel or Forum.

34.3 **Powers and Duties**

34.3.1 Reserve Members will have all the powers and duties of any ordinary Member of the Panel or Forum but will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving. The attendance of a Reserve Member shall preclude the attendance of the ordinary Member for whom they are substituting.

34.4 **Reserving**

34.4.1 Reserve Members may attend meetings in that capacity only:

34.4.1.1 to take the place of an ordinary Member for whom they are a reserve;

34.4.1.2 where the ordinary Member will be absent for the whole of the meeting;

34.4.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

34.4.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

34.4.2 If a reserve member attends the meeting and the meeting is adjourned, then the reserve member must attend both parts of the meeting, otherwise it should be treated as a new meeting.

35. **Appointment of Sub-Panels and Forums**

35.1 Advisory Panels and Consultative Forums may establish Sub-Panels and Sub-Forums with such terms of reference and delegated powers, as they

consider necessary for the proper discharge of the functions of the Panel or Forum.

35.2 Advisory Panels and Consultative Forums may appoint ordinary and reserve Members to Sub-Panels and Sub-Forums in accordance with the rules on political proportionality. Advisory Panels and Consultative Forums may also appoint non-voting co-opted members to Sub-Panels and Sub-Forums.

36. **Attendance of Members at Advisory Panels and Consultative Forums -**

36.1 **No right to speak**

36.1.1 Any Member of the Council may attend meetings of Panels, Forums, Sub-Panels or Sub-Forums. Subject to 36.2 below, Members who are not ordinary Members or attending reserve Members of the Panel, Forum, Sub-panel or Sub-forum may not speak at meetings unless the Panel, Forum, Sub-panel or Sub-forum agrees that they may speak, or, the Councillor has been invited to the Panel, Forum, Sub-panel or Sub-forum to speak.

36.2 **Motions referred to Advisory Panels or Consultative Forums**

36.2.1 A Member of the Council, who has proposed a motion which has been referred to a Panel, Forum, Sub-panel or Sub-forum shall be given at least three clear working days notice by the Monitoring Officer of the meeting at which the motion will be. If the Member attends the meeting but is not a Member of the Panel, Forum, Sub-panel or Sub-forum and if invited to do so by the Chair and with the agreement of the Panel, Forum, Sub-panel or Sub-forum he or she shall have an opportunity to explain the motion to the Panel, Forum, Sub-panel or Sub-forum.

37. **Chairing Advisory Panels and Consultative Forums**

37.1 **Election of a Chair**

37.1.1 If the Executive fails to appoint a Chair for any Panel or Forum then that Panel or Forum shall appoint a Chair as the first item of business after the notification of Reserve Members at its first available meeting. The Panel or Forum will appoint a Vice Chair.

37.2 Election of Chair of Sub-Panels or Forums

37.2.1 Where any Advisory Panel or Consultative Forum establishes a Sub-panel or Sub-forum the Panel or Forum shall appoint the Chair of the Sub-panel or Sub-forum. If a Panel or Forum fails to appoint a Chair to a Sub-panel or Sub-forum then the Sub-panel or Sub-forum shall appoint a Chair as the first item of business at their first meeting after the notification of Reserve Members.

37.2.2 The Panel, Forum, Sub-panel or Sub-forum shall appoint a Vice Chair at its first meeting following the Annual Council.

37.3 Absence of Chair at Meetings

37.3.1 In the absence of the Chair, the Vice-Chair shall preside.

37.3.2 If after 15 minutes from the identified start time of the Panel, Forum, Sub-panel or Sub-forum neither the Chair or Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business after the notification of Reserve Members.

37.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned in paragraph 37.3.2, the first order of business after the notification of Reserve Members shall be to elect a Chair for the meeting.

38. Business not on the Agenda

38.1 Business not on the agenda may only be considered where:

38.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with to permit the consideration of late items of business; or

38.1.2 a Member of the Panel, Forum Sub-panel or Sub-forum or any Statutory Officer has requested that an item is placed on the agenda for the meeting at any time before the start of the meeting and the Panel or Forum agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

38.2 Late Reports

- 38.2.1 If there is a request to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees, subject to consultation with nominated members (if reasonably practicable), by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and subject to the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.
- 38.2.2 In the case of meetings of Advisory Panels/Consultative Forums, Sub-Panels and Sub-Forums it shall be the responsibility of the Panel/Forum or Sub-panel/forum to decide, at the start of the meeting, whether an item should be considered as a matter of urgency

39. Time and Place of Meetings

- 39.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall take place at the time and place noted on the agenda for the meeting. Following consultation with the nominated Members of each of the political groups and any other individuals or groups which he or she considers appropriate and compliance with the Access to Information Procedure Rules in Part 4G of the Constitution, the Chair shall have the power to alter the venue, day and time if he/she believes it to be appropriate for the conduct of the business of the Panel or Forum.
- 39.2 For those Sub-Panels or Sub-Forums not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Member(s) of the Sub-Panel or Sub-forum.

40. Cancellation of Meetings

- 40.1 The Monitoring Officer may cancel a meeting of any Panel, Forum Sub-panel or Sub-forum both before and after the agenda for the meeting has been issued subject to consultation with the Chair and Nominated Member(s)

41. **Calling of Special Meetings**

41.1 **Calling Special Meetings**

41.1.1 Those listed below may request the Monitoring Officer to call Panel or Forum (sub-panel/sub-forum) meetings in addition to scheduled meetings:

- 41.1.1.1 the Panel, Forum, Sub-panel or Sub-forum by resolution;
- 41.1.1.2 the Chair of the Panel, Forum, Sub-panel or Sub-forum;
- 41.1.1.3 at least one-third of the Members of the Panel, Forum, Sub-panel or Sub-forum, if they have signed a requisition presented to the Chair of the Panel, Forum, Sub-panel or Sub-forum and they have refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition;

41.2 **Business**

41.2.1 Business at special meetings of Panels, Forums, Sub-Panels and Sub-Forums shall be restricted to:

- 41.2.1.1 the election of a person to preside if the Chair or Vice Chair is absent;
- 41.2.1.2 any item of business specified by the Panel, Forum, Sub-panel or Sub-forum or Chair when calling the meeting;
- 41.2.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.

42. **Notice of and Summons to Meetings**

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the Monitoring Officer will publish the agenda. The agenda will give the date, time and place of the meeting and specify the business to be transacted and be accompanied by all relevant reports.

43. **Quorum**

- 43.1 Subject to 43.2, 43.3, the quorum of a meeting will be at least one quarter or a minimum of three (whichever is the greater) of the whole number of Council Members of the Panel, Forum, Sub-panel or Sub-forum.
- 43.2 The Employees' Consultative Forum includes non-Councillor members. For the meeting to be quorate, it must be attended by a minimum of three Council Members and two trade union representatives from different trade unions.
- 43.3 If, after 15 minutes from the advertised start time of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.
- 43.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Panel, Forum, Sub-panel or Sub-forum.

44. **Duration of Meetings**

44.1 **Commencement and Closure**

- 44.1.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums will commence at time specified on the agenda and close 2.5 hours after the start of the meeting.

44.2 **Varying the Closure Time**

- 44.2.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall terminate in the manner set out in Rule 44.3 unless:

44.2.1.1 the business of the meeting has been completed before the expiry of 2.5 hours; or

44.2.1.2 by resolution passed before the closure time, the Panel, Forum, Sub-panel or Sub-forum resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:

- (a) to continue in the normal manner and complete the business remaining on the agenda; or
- (b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate.
- (c) No meeting will continue past 10:30 pm.

44.2.2 For the avoidance of doubt, a meeting may use the provisions within 44.2.1.2 (b) more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.

44.2.3 In considering whether (a) or (b) above are expedient, the Panel, Forum, Sub-panel or Sub-forum must have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

44.3 **Determining Business Upon Closure**

44.3.1 At the time of closure the Chair will advise the Panel, Forum, Sub-panel or Sub-forum that the procedure to terminate the meeting is to be applied.

44.3.2 Any speech commenced and then in progress shall be concluded.

44.3.3 The Chair will put any motion or recommendation then under consideration to the vote without further discussion.

44.3.4 All remaining business before the Panel, Forum, Sub-panel or Sub-forum, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment.

45. **Petitions**

45.1 **Presentation of Petitions**

45.1.1 Petitions relating to a function within the terms of reference of a Panel, Forum, Sub-Panel or Sub-forum shall be presented to the appropriate meeting of the Panel, Forum, Sub-Panel or Sub-forum. If the petitioners request that the petition be presented at a meeting this can be done in the following ways:

- 45.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the meeting, and request to read the petition to the meeting;
 - 45.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;
 - 45.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.
- 45.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

45.2 **Notice and Consideration of Petitions**

- 45.2.1 There is no need for any advance notice to be given of the wish to present a petition to a Panel, Forum, Sub-panel or Sub-forum.

46. **Deputations**

- 46.1 Any Panel, Forum, Sub-panel or Sub-forum may receive a deputation on any matter appearing on the relevant agenda.
- 46.2 Requests to receive a deputation must be in writing and signed by at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.
- 46.3 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although this requirement can be waived by the Panel, Forum Sub-panel or Sub-forum on the grounds of urgency.
- 46.4 The deputation to the meeting must consist of not more than four people. The people nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputations must not exceed 10 minutes.
- 46.5 The time allowed for questioning of the deputation by Members will be 10 minutes.

- 46.6 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 46.7 Subject to 46.8 below, Panels, Forums, Sub-Panels or Sub-Forums shall receive no more than two deputations per meeting.
- 46.8 The Traffic Advisory Panel may hear more than two deputations provided they relate to agenda items on the relevant agenda.
- 46.9 No deputation shall be received by a Panel, Forum, Sub-panel or Sub-forum within 6 months after a deputation has appeared before it on the same or a similar subject.
- 46.10 Members of the Council, co-optees and advisers shall not be signatories to, lead or form part of any deputation.
- 46.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.

47. **Public Questions**

47.1 **General**

- 47.1.1 Members of the public may question Chairs of Panels, Forums, Sub-Panels and Sub-Forums at meetings. Questioners will not be allowed to address the Panel, Forum, Sub-panel or Sub-forum generally on a matter, they may only ask questions relating to matters within the terms of reference of the Panel, Forum, Sub-panel or Sub-forum. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

47.2 **Time Limit for Questions**

- 47.2.1 There will be a total limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached, no further questions can be asked but a questioner can complete a question or a supplemental question and the respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Member of the Panel, Forum, Sub-panel or Sub-forum answering believes

that a longer response is necessary, an oral summary will be given and a full reply shall be completed in writing.

47.3 Order and Notice of Questions

47.3.1 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

47.3.2 A question may only be asked if notice has been given in writing to the Monitoring Officer at Democratic Services, Harrow Council, Harrow Council Hub, Forward Drive, Harrow or publicquestions@harrow.gov.uk no later than 3.00 pm two clear working days before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member or Chair of the Panel, Forum, Sub-panel or Sub-forum to whom it is to be put.

47.3.3 The Member of the Panel, Forum, Sub-panel or Sub-forum to whom any question is put may arrange for another Member of the Panel, Forum, Sub-panel or Sub-forum to answer on his or her behalf.

47.3.4 The Council takes no responsibility for questions which are sent and fail to reach the correct address.

47.4 Number of questions

47.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in Rule 47.5 below.

47.5 Scope of Questions

47.5.1 The Monitoring Officer may reject a question if it:

47.5.1.1 would risk defamation of an individual or is defamatory, frivolous offensive or otherwise improper; or

47.5.1.2 does not relate to a matter to which the Council has powers or duties; or

47.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or

- 47.5.1.4 would require the disclosure of confidential or exempt information; or
- 47.5.1.5 is substantially the same as a question which has been put at any meeting of the same Panel, Forum Sub-panel or Sub-forum in the last six months; or
- 47.5.1.6 is within the invalid categories referred to at 47.5.1 above.

47.6 Record of Public Questions

- 47.6.1 The Monitoring Officer will publish a copy of the written questions. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.
- 47.6.2 Copies of all valid questions will be circulated to all Members of the Panel, Forum, Sub-panel or Sub-forum and made available to the public at the meeting.

47.7 Asking the Question at the Meeting

- 47.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member of the Panel, Forum, Sub-panel or Sub-forum has been nominated to answer on his or her behalf.
- 47.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.
- 47.7.3 The Chair may either:
 - 47.7.3.1 ask the question on the questioner's behalf; or
 - 47.7.3.2 indicate that a written reply will be given; or
 - 47.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

47.8 Written Answers

- 47.8.1 Any written question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the

questioner and all Members of the relevant Panel, Forum, Sub-panel or Sub-forum.

47.9 Reference of a Question to another Body

47.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member of a Panel, Forum, Sub-panel or Sub-forum may propose that a matter raised by a question be referred to the Executive, Advisory Panel, Portfolio Holder or other appropriate Committee, sub-committee or panel. Such a proposal will be voted on without discussion.

48. Voting

48.1 Majority

48.1.1 Subject to Rule 48.2, unless required by Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

48.2 Special Cases

48.2.1 The Employees' Consultative Forum includes non-councillors. Voting on any matter shall be by simple majority of those entitled to vote on the item on this Forum, except that no recommendation or reference may be made to the Executive or another Committee or a Portfolio Holder unless it is agreed by a majority of the elected Councillors on the Forum.

48.3 Chair's Casting Vote

48.3.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

48.4 Individual Recorded Vote and Explanation for Vote

48.4.1 If, immediately before the vote is taken, any Member present at the meeting requests that this vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

48.4.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the

avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

48.5 Recorded Vote by Roll Call

48.5.1 If immediately before an ordinary vote is taken three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

48.6 Voting on Appointments

48.6.1 If there are more than two people nominated for any position to be filled by a Advisory Panel, Consultative Forum, Sub-panel or Sub-forum and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

49. Nominated Members

49.1 Each group(s) shall nominate from amongst their Members on Advisory Panels and Consultative Forums, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Advisory Panel or Consultative Forum concerned.

Appendix to Executive Procedure Rules

Delegated Powers of Portfolio Holders

1. Key Decisions

A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of this Appendix.

2. Decision taking by individual Portfolio Holders

Where a non-key decision is to be made, individual Portfolio Holders may take those decisions in the following circumstances:

(i) Matters the subject of an agreed framework, set by the Executive

Where the Executive has already set a clear framework for a set of decisions, the Portfolio Holder may take that framework forward into implementation.

(ii) Matters the Subject of Recommendations

Where matters have been fully considered by an Advisory Panel or by a Consultative Forum and the Panel or Forum have made recommendations to the Executive, the relevant Portfolio Holder may consider the recommendations and take the decision on behalf of the Authority.

This general power is subject to the following conditions:

- A Portfolio Holder shall not take a decision in respect of any matter that is stated in the terms of reference and delegated duties of the Executive (as set out in Part 3 of the Constitution) to be the responsibility of the Executive as a whole. All such decisions must be taken at a full meeting of the Executive.
- Full consideration being given by the Portfolio Holder to all reports made to the Advisory Panel or Forum and to the minutes, reasons given and options rejected.

- Consideration being given by the Portfolio Holder of the need for further consultation or information before taking the decision.
- The decision of the Portfolio Holder being taken and recorded in full compliance with the Procedural Rules of the Council and the minutes or records of all decisions being published within two clear working days of receipt from the PH of the decision and published on the Council's website with electronic notification given and no hard copies circulated.
- Where a Portfolio Holder is considering taking a decision, which differs from the recommendation of the Advisory Panel or Consultative Forum, the matter must be referred to the Executive for decision.

(iii) Other Matters

Portfolio Holders may also take decisions, which have not been the subject of a recommendation from an Advisory Panel or Consultative Forum (i.e. on a report from an officer of the Council).

This power is subject to:

- The same conditions as in 2(ii) above; and
- Where the matter is controversial, or potentially controversial, the Portfolio Holder should refer the matter to the full Executive for decision.

NB The fact that a Portfolio Holder, having considered these rules and guidance, decides to take a decision does not render that decision invalid or improperly taken if the matter is later shown to be the subject of disagreement amongst the Members of the Executive.

(iv) Urgent matters (non-key decisions)

Portfolio Holders may take non-key urgent decisions within their terms of reference, provided the conditions in 2(ii) above are satisfied.

It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 of the Access to Information Rules has been followed, that decision will not be subject to the call-in procedure Rules provided the Chair of Overview and Scrutiny Committee agrees.

3. Urgent Matters where the Portfolio Holder is not empowered to act (Key Decisions or matters that are outside the Portfolio Holder’s terms of reference.)

When an urgent decision needs to be taken in circumstances where to wait until the next scheduled meeting of the Executive would be prejudicial to the best interests of the Council, and where a Portfolio Holder is not empowered to act under paragraph (iv) above then:

- The Leader, (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.
- Before taking a Key Decision, the Leader (or Deputy Leader) must first consider whether the importance of the matter warrants the calling of a special meeting of the Executive.
- The decision must be taken in a way that fully complies with the Procedural Rules of the Council and in particular, if relevant, with the rules relating to “key decisions”.
- A copy of the minutes of the decision must be published within two clear working days of the decision and published on the Council’s website with electronic notification given and no hard copies circulated.

It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 of the Access to Information Procedure Rules has been followed, that decision will not be subject to the call-in procedure provided the Chair of Overview and Scrutiny Committee agrees.

4. Temporary Arrangements

In the absence of the Leader, the Deputy Leader may undertake the responsibilities and exercise the delegated powers of the Leader, to the extent permitted by the Constitution.

In the absence of a Portfolio Holder the Leader may undertake the responsibilities and exercise the delegated powers of that Portfolio Holder.

If a Portfolio Holder is absent for a continuing period, the Leader may, on a temporary basis, allocate the responsibilities and delegated powers of that Portfolio Holder to one or more other Portfolio Holders. If the Leader makes

such an allocation they must at the time notify all Members of Council of the temporary transfer of responsibilities and power and of the likely period of such arrangements.

None of the delegated powers in Paragraphs 1 to 4 above authorise the taking of a decision, which either by law or by the operation of the Procedural Rules of the Council is required to be taken at a full meeting of Council.

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Access to Information Procedure Rules

1. Scope

Derivation -

These Rules implement the requirements of Sections 100A to K and Schedule 12 and 12A of the Local Government Act 1972, Sections 9G and 9GA of the Local Government Act 2000, and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Rules 1 -12 apply to all meetings of:

- The Governance, Audit, Risk Management and Standards Committee
- The Council
- The Planning Committee
- The Licensing and General Purposes Committee
- The Overview and Scrutiny Committee

- Any Consultative Committees established under section 102(4) of the Local Government Act 1972 & The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

- Any sub-committees or panels of the above Committees

- Any Area-Based Forums or Committees

- Meetings of the Executive including the Cabinet, Executive (Cabinet) Committees, Consultative Forums and any Cabinet Advisory Panels

- Other Statutory Committees

together referred to in these Rules as “meetings”.

Rules 13 - 21 apply only to meetings of the Executive, Executive Committees and executive decisions taken by individual Members of the Executive or by officers but do not apply to meetings of Consultative Forums or Advisory Panels.

2. Additional Rights to Information

These Rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

3. Rights to Attend Meetings

Members of the public and representatives of the Press may attend all meetings subject only to the exceptions in these Rules. Members of the public and representatives of the Press may also attend when an individual Member of the Executive is determining a matter that is a Key Decision (see Rule 20.3).

4. Reporting of meetings

The reporting of meetings is permitted except where the press and public are excluded under Rule 12 of these Rules. A protocol on reporting of meetings is at Part 5O of the Constitution.

5. Notice of Meetings and Key Decisions

The Council will give at least five clear working days' notice of any meeting by publishing details of the meeting at the Harrow Council Hub, Station Road, Harrow.

Notice will also be given of when an individual Member of the Executive is to take a Key Decision. Key Decisions can only be taken by the Leader except where the Executive has delegated the decision to an individual Portfolio Holder.

At least 28 clear calendar days before a Key Decision is made, a Key Decision Schedule must be available for inspection by the public – at the offices of the Council and on the Council's website.

At least 28 clear calendar days before a private executive meeting, the Council must make available at the Council's Harrow Council Hub and published on the Council's website, a notice of its intention to hold the meeting in private. This notice will be included in the Key Decision Schedule and will apply to both Key and Non-Key Decisions to be taken. See Rule 12.5 for procedure.

6. Access to Agenda and Reports before the Meeting

- 6.1.** The Council will make copies of those agenda and reports which are open to the public available for inspection at the Harrow Council Hub, and on the Council's website, at least five clear working days before the meeting.
- 6.2.** Where the meeting is convened at shorter notice than set out in Rule 5, copies of the agenda and reports shall be open to inspection from the time the meeting is convened.
- 6.3.** Where an item is added to an agenda, copies of which are open to inspection by the public, copies of any report for the meeting relating to the item shall be available from the time the item is added to the agenda. Nothing in this Rule requires copies of any agenda item or report to be open to inspection by the public until copies are available to Councillors. Copies of agendas and reports must be made available at the meeting.

7. Late Reports

If there is a requirement to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting. If the report involves a Key Decision please also see paragraph 16 of these Rules.

For meetings of Advisory Panels/Consultative Forums, the Panel/Forum rather than the Chair shall decide at the start of the meeting whether an item should be considered as a matter of urgency.

This Rule does not apply to the Meetings of the full Council where Council Procedure Rule 7 applies.

Where a report is prepared after the agenda has been sent out the Director of Legal & Governance Services shall make the report available to the public as soon as the report is completed and sent to Councillors.

8. Supply of Copies of Agenda and Reports

The Council will supply copies and make these available on the Council's website:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items on the agenda;
- (c) any other documents supplied to Councillors in connection with an item, if the Director of Legal & Governance Services considers it appropriate and practical;
- (d) in terms of the Executive and where a Key decision is to be taken by the Leader or an individual Members where this has been delegated to them by the Executive, when a copy of the report for a meeting is made available for inspection by members of the public, at the same time – a copy of a list compiled by the Proper Officer of the background papers to the report, must be included in the report and at least the title of each of the documents included in that list and a copy of the document to be made available on the Council's website.

9. Access to Minutes and Committee Documents after the Meeting

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of meetings (or the record of all decisions taken at a meeting, together with the reasons, for all meetings of the Executive), excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public when the minutes open to inspection do not provide a reasonably clear and coherent record;

- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

10. Background Papers

10.1 List of Background Papers

The Chief Officer responsible for the drafting of a report (or in the case of joint reports, the first named Chief Officer) shall set out in the report a list of those documents (called the background papers) relating to the subject matter of the report which in his/her opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report

but will not include in such list published works or those which disclose exempt or confidential information (as defined in Rule 11) and in respect of reports to a meeting of the Executive, any advice given by a political advisor.

10.2 Public Inspection of Background Papers

The Council will make available for public inspection for at least four years after the date of the meeting a copy of each of the documents on the list of background papers. In the case of the Executive, the background papers will also be available on the Council's website.

11. Summary of the Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents is included in paragraph 3 of the Summary and Explanation in this Constitution.

12. Exclusion of Access by the Public and Press to Meetings

12.1 Confidential Information – requirement to exclude the public from a meeting

The public and press must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

12.2 Exempt Information – discretion to exclude the public and press from a meeting

The public and press may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

When the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Extract from Article 6 'Right to a fair trial - in the determination of his or her civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time.'

12.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

12.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to the relevant condition)

Category	Condition
<p>1. Information relating to any individual</p>	<p>Information falling within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>2. Information which is likely to reveal the identity of an individual</p>	<p>Information falling within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>“Financial or business affairs” includes contemplated as well as past or current activities.</p>	<p>Information falling within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information if it is required to be registered under</p> <ol style="list-style-type: none"> a. the Companies Act 1985 b. the Friendly Societies Act 1974 c. the Friendly Societies Act 1992

Category	Condition
	<p>d. the Industrial and Provident Societies Act 1965 to 1978</p> <p>e. the Building Societies Act 1986</p> <p>f. the Charities Act 1993</p>
<p>4. Information relation to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.</p>	<p>Information falling within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act or any dispute about a matter within this paragraph.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information falling within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Category	Condition
<p>6. Information which reveals that the authority proposes</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person</p> <p>or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information falling within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information falling within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

12.5 Procedures prior to Private Meetings of the Executive

At least 28 clear days before a private meeting, the Council must—

- (a) make available at the Council’s Harrow Council Hub a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council’s website.

The notice must include a statement of the reasons for the meeting to be held in private.

At least five clear days before a private meeting, the Council must—

- (a) make available at the Harrow Council Hub a further notice of its intention to hold the meeting in private;
- (b) publish that notice on the Council's website.

This further notice must include:

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Council about why the meeting should be open to the public;
- (c) a statement of its response to any such representations.

Where the date by which a meeting must be held makes compliance with this paragraph impracticable, the meeting may only be held in private where the Council has obtained agreement from:

- (a) the Chair of the relevant overview and scrutiny committee;
- (b) or if the Chair of the relevant overview and scrutiny committee is unable to act, the Mayor;
- (c) where there is no Chair of either the relevant Overview and Scrutiny Committee or the Mayor is not available, the Deputy Mayor may give agreement.

As soon as reasonably practicable after the Council has obtained agreement to hold a private meeting, it must:

- (a) make available at the Harrow Council Hub a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

13. Excluding Public Access to Reports

The public may be denied access to reports if the Chief Officer responsible for drafting the report believes that the report relates to matters which, in

accordance with Rule 12, will not be considered in a public meeting. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

14. Procedure before taking Key Decisions

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a Key Decision may not be taken unless:

- (a) the “Key Decision Schedule” has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication at the Harrow Council Hub and the Council’s Website of the Key Decision Schedule;
- (c) where the decision is to be taken at a meeting of the Executive, a notice of the meeting has been given in accordance with Rule 5 (notice of meetings) and a written report providing all relevant and necessary information has been considered by the body taking the decision; and
- (d) where the decision is to be taken by an individual Member of the Executive at least five clear working days have elapsed following receipt of the report required under Rule 20.1 and notice of the consideration of a Key Decision has been given under Rule 5 (notice of meetings) and in accordance with (b) above.

15. The Key Decision Schedule (KDS)

15.1 Period of the Key Decision Schedule

The KDS will be prepared by the Director of Legal & Governance Services to cover a period of three months and published 28 clear days prior to the decision being taken by that meeting.

The KDS must be published at least 28 clear days before the date of the meeting taking that Key Decision.

15.2 Contents of the Key Decision Schedule (KDS)

The KDS will contain matters which the Monitoring Officer/Director of Legal and Governance Services believes will be the subject of a Key Decision to be taken by the Executive or under joint arrangements. Items which relate to the discharge of an Executive function must be included, but other items may be included. It will describe the following particulars in so far as the information is available:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any, and where the decision taker is a body, its name and a list of its Members;
- (c) the date on which, or the period within which, the decision is to be made;
- (d) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the Key decision is to be made;
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) a list of the other documents relevant to those matters that may be submitted to the decision maker;
- (g) The procedure for requesting details of those documents (if any) as they become available.

16. General Exception

If a matter which is likely to be a Key Decision has not been included in the Key Decision Schedule, then subject to Rule 17 (special urgency), the decision may still be taken if:

- (a) the Director of Legal & Governance Services has informed by written notice the Chair of the Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee, by notice in writing of the matter to which the decision is to be made;
- (b) the Director of Legal & Governance Services has made available to the public at the Harrow Council Hub and on the Council's website, a copy of that notice; and
- (c) at least five clear working days have elapsed following the day on which the Director of Legal & Governance Services complied with (b).

Any such decision taken by the Executive must be taken in public unless it relates to a matter which is confidential or exempt pursuant to paragraph 11 above.

17. Special Urgency

If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or if that Chair is unable to act, then the agreement of the Mayor, or in their absence the agreement of the Deputy Mayor is required.

Any such decision taken by the Executive must be taken in public unless it relates to a matter, which is confidential or exempt pursuant to paragraph 12 above.

As soon as reasonably practicable after agreement has been obtained, the decision maker must make available at the Harrow Council Hub a notice setting out the reasons for urgency and publish the notice on the Council's website.

18. Requirement for a Report to be made to Council

18.1 Request from the Overview and Scrutiny Committee

If the Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not included in the Key Decision Schedule, they may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The report must include details of the decision and the reasons for it, the name of the decision maker and the Executive's reasons for its opinion that the decision was not key.

18.2 The timing of the report to Council

The Executive will prepare a report for submission to the Council at such intervals as may be determined by the Council. The report to Council will set out particulars of each decision, and a summary of the matters in respect of which each decision was made. The Leader must submit at least one report on special urgency annually, unless otherwise determined by the Council.

18.3 Requirement for quarterly reports on special urgency decisions

In any event the Leader of the Council will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. Record of Decisions

After the meeting of the Executive or any of its Executive (Cabinet) Committees, Advisory Panels or Consultative Forums, the Director of Legal & Governance Services or a Chief Officer present, will produce as soon as practicable and make available for inspection by members of the public and on the Council's website:

- (a) a record of the decisions taken;
- (b) a statement of the reasons for each decision; and

- (c) any alternative options considered and rejected at that meeting
- (d) a record of any conflict of interest declared by any Executive Members and a note of any dispensation granted.

20. Key Decisions taken by Individual Members of the Executive or by Officers

20.1 Reports

A Key Decision shall not be taken by an individual Member of the Executive or by an officer until twenty eight clear days after the publication of the Key Decision Schedule and five clear working days have elapsed from receipt of a report which includes relevant and necessary information for the making of the decision.

20.2 Provision of copies of reports to the Overview and Scrutiny Committee

On the giving of such a report to an individual decision maker, the person preparing the report will at the same time give a copy to the Chair of the Overview and Scrutiny Committee and make it publicly available.

20.3 Notice of the Decision

Notice of the taking of a Key Decision by an individual Member or officer shall be given in the same way as a notice of a meeting of the Executive (Rule 5). Members of the public and representatives of the Press may attend the taking of a Key Decision by an individual Member.

21. Record of Individual Decisions

As soon as reasonably practicable after any Executive decision has been taken by an individual Member or after a Key Decision has been taken by an officer they will instruct the Director of Legal & Governance Services or the relevant Director to prepare a record of the decision, a statement of the reasons for it, any alternative options considered and rejected (see Rule 19), a record of any conflict of interest declared by any Executive Member and in

respect of any declared conflict of interest, a note of dispensation granted by the Governance, Audit, Risk Management and Standards Committee.

22. Inspection of Documents and Background Papers

The provisions of Rules 9 and 10 (access to documents after meetings and background papers) will also apply to the making of decisions by individual Members of the Executive and Key Decisions by officers. This does not require the disclosure of exempt or confidential information.

23. Overview and Scrutiny Committee – Access to Documents

23.1 Members of Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive, Executive (Cabinet) Committee, a Portfolio Holder, Advisory Panel or Consultative Forum and which contains material relating to:

- (a) any business transacted at a meeting of the Executive, Executive (Cabinet) Committee, Advisory Panel or Consultative Forum; or
- (b) any decision taken by a individual Member of the Executive;
- (c) any decision that has been made by an officer of the authority in accordance with Executive Arrangements.

23.2 These documents should be provided by the Executive as soon as reasonably practicable and no later than 10 clear days from the Executive receiving the request.

23.3 No Member of the Overview and Scrutiny Committee is entitled to a copy of any such document as contains exempt or confidential information unless the information is relevant to:

- (a) An action or decision that the Member is reviewing or scrutinising.
- (b) Any review contained in any programme of work of the Overview and Scrutiny Committee.

No Member of the Overview and Scrutiny Committee is entitled to any such document as contains advice from a political adviser.

- 23.4** Where the Executive determines that a Member of the Overview and Scrutiny Committee is not entitled to a copy of a document (for reasons under Rule 22.3) it must provide a written statement of the decision to the Overview and Scrutiny Committee.

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) 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.
- (ii) No Councillor will seek support for any person for any appointment with the Council.

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

- 3.1 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.
- 3.2 The full Council may only make or approve the appointment of the Head of Paid Service where no 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 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."

6. Additional requirements relating to Recruitment and Appointment

In addition to the requirements set out in Rules 1 – 5 above the person or body selecting or appointing an officer to any post within the Authority shall comply with the ***Employment of Relatives/Partners/Friends Procedures*** and the

Recruitment and Selection Procedures as set out in the Harrow Scheme for Pay and Conditions of Service.

7. Disciplinary Action

7.1 Disciplinary action – Head of Paid Service and Statutory Chief Officers (i.e. the Monitoring Officer and the Chief Finance Officer)

(A) Disciplinary action against the Head of Paid Service and the Statutory Chief Officers (as defined in the following regulations) will follow the Local Authorities (Standing Orders) (England) Regulations 2001.

(B) Suspension – Head of Paid Service

(i) The Chief Officers' Employment Panel may suspend the Head of Paid Service on (a) receipt of a referral from the Leader of any of the Political Groups OR (b) a report from either the Monitoring Officer, the Chief Finance Officer or both, whilst an independent investigation takes place into alleged misconduct.

(ii) 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 Executives of Local Authorities Conditions of Service.

(C) Grievance – Head of Paid Service

(i) Any grievance relating to the Head of Paid Service will be considered and determined by the Chief Officers' Employment Panel. The decision of the Panel shall be final.

6. Dismissal

The dismissal of the Head of Paid Service, a chief officer or deputy 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.

Contract Procedure Rules

February 2023

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Table 1: Authorisation and Acceptance Thresholds

Total Spend/Aggregate Contract Value (including VAT)	Procurement Process	Documentation Required	Authorisation under Scheme of Delegation for Award of Contract
Low Value non-recurring spend up to £1,500 Upper Limit for Petty Cash and cheques is £250	Procurement Cards should be used in accordance with the Procurement Card policy. In accordance with the Petty Cash and Cheque policy.	Receipts must be kept as evidence of purchase.	Not Applicable
REQUEST FOR QUOTATION £0-£49,999	Minimum 1 Quotation required for purchases up to £4,999 which must be from a Local Business Minimum 3 Quotations required for purchases between £5,000 up to £49,999 of which at least 1 must be from a Local Business Please note that you must include VAT in the value before determining your procurement route	Quotation must be attached to the requisition in D365 Mosaic – manual copies of Quotations / Contracts must be kept on file. As a minimum the council's Very Low Value Terms and Conditions of Contract must be issued with the purchase order.	Grade 9 – Grade 11 For purchases up to £24,999 Management Grade For purchases from £25,000 to £49,999
TENDER PROCESS £50,000 – £99,999	Procurement can be consulted. Please note that you must include VAT in the value before determining your procurement route Minimum 3 proportionate tenders required from suitable Suppliers. At least 1 must be from a Local Business.	A written Contract must be signed by the Council and the Supplier. No Selection Questionnaire (SQ) Required: Suitability Assessment Questions only	Director Grade
TENDER PROCESS	Please note that you must include VAT in the	Procurement Gateway 1 report – Authority to Procure	

<p>PROCUREMENT INVOLVEMENT IS MANDATORY</p> <p>£100,000 - £249,000</p>	<p>value before determining your procurement route</p> <p>Authority to procure must be obtained prior to any tender activity commencing by completing a Procurement Gateway 1 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers. and and consulting on this report</p> <p>The procurement must be advertised and tendered via the London Tenders Portal and Contracts Finder.</p> <p>Procurement of supplies, services and works over the current Financial Thresholds* requires a UK Notice and advertising.</p> <p>Authority to award must be obtained prior to any supplier being given a contract, by completing a Procurement Gateway 2 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers. When required Standstill Period must be observed prior to award of Contract.</p>	<p>UK Notice to be Published (if applicable) and Contracts Finder advert</p> <p>SQ only required for procurement above Financial Thresholds</p> <p>Invitation to Tender documents which will include Terms and Conditions of Contract; Service Specification; Method Statement Questions; Pricing Document; Information to Tenderers including clear evaluation criteria and sub criteria.</p> <p><u>Procurement Gateway 2 – Award Report</u></p> <p>UK Notice to be Published on FTS (if applicable) and Contracts Finder Contract Notice and Contract Award Notice</p> <p>The Council's Terms and Conditions of Contract must be approved and sealed by the Director of Legal and Governance Services.</p> <p>The master signed and sealed copies must be sent to the Corporate Procurement Team. A master copy will then be sent to the Supplier and one master retained by the Corporate Procurement Team,</p>	<p>Corporate Director Grade</p>
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Total Spend/Aggregate Contract Value	Procurement Process	Documentation Required	Authorisation under Scheme of Delegation for Award of Contract
<p>TENDER PROCESS</p> <p>PROCUREMENT INVOLVEMENT IS MANDATORY</p> <p>£250,000 - £499,999</p>	<p>Please note that you must include VAT in the value before determining your procurement route</p> <p>The Directorate Portfolio Holder and the Portfolio Holder with responsibility for Finance and Human Resources must be consulted at the pre procurement planning stage. [See Section 14]</p> <p>Authority to procure must be obtained prior to any tender activity commencing by completing a Procurement Gateway 1 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers.</p> <p>Must be advertised and tendered via the London Tenders Portal and Contracts Finder.</p> <p>Procurement of supplies, services, and works over the current Financial Thresholds requires a UK Notice and advertising.</p> <p>Authority to award must be obtained prior to any supplier being given a contract, by completing a Procurement Gateway 2 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers. When required Standstill Period must be observed prior to award of Contract.</p> <p>When required Standstill Period must be observed prior to award of Contract.</p>	<p><u>Procurement Gateway 1 – Authority to Procure</u></p> <p>UK Notice to be Published on FTS (if applicable) and Contract Finder advert (if applicable)</p> <p>SQ required.</p> <p>Invitation to Tender documents which will include: Terms and Conditions of Contract; Service Specification; Method Statement questions; Pricing document; Information to Tenderers including clear evaluation criteria and sub criteria.</p> <p><u>Procurement Gateway 2 – Award Report</u></p> <p>UK Notice to be Published on FTS (if applicable) and Contracts Finder Contract Notice and Contract Award Notice</p> <p>The Council's High Value Terms and Conditions of Contract must be approved and sealed by the Director of Legal and Governance Services.</p> <p>The master signed and sealed copies of Contract must be sent to the Corporate Procurement Team. One master copy will then be sent to the Supplier, and one retained by the Corporate Procurement Team.</p>	<p><u>ONE OF THE FOLLOWING:</u></p> <p>Chief Executive</p> <p>Director of Finance</p> <p>Counter Signature</p> <p>Portfolio Holder with responsibility for Finance and Human Resources.</p>

Total Spend/Aggregate Contract Value	Procurement Process	Documentation Required	Authorisation under Scheme of Delegation for Award of
<p>TENDER PROCESS</p> <p>PROCUREMENT INVOLVEMENT IS MANDATORY</p> <p>£500,000+ and all Key Decisions</p>	<p>Please note that you must include VAT in the value before determining your procurement route</p> <p>The Portfolio Holder with responsibility for Finance and Human Resources must be consulted at the pre procurement planning stage. [See Section 14]</p> <p>Directorate Portfolio Holder must be consulted throughout the commissioning planning and procurement phase of the project.[See Section 14]</p> <p>Approval to procure should be obtained by completing a cabinet report and having a Cabinet decision prior to any tender activity commencing.</p> <p>Must be advertised and tendered via the London Tenders Portal and Contracts Finder.</p> <p>Procurement of supplies, services and works over the current Financial Thresholds requires a UK Notice and advertising.</p> <p>Approval to award must be obtained by a Cabinet decision to make an award of Contract.</p> <p>When required Standstill Period must be observed prior to award of Contract.</p>	<p>The Procurement must be recorded on the Key Decisions Forward Plan. Cabinet authority – Seeking mandate to commence procurement must be obtained. This report must be cleared by the Portfolio Holder for the service and the Portfolio Holder for Finance and Human Resources before it is submitted to Cabinet for approval.</p> <p>UK Notice to be Published on FTS (if applicable) and Contracts Finder Advert. An SQ is required.</p> <p>Invitation to Tender Documents which will include: Terms and Conditions of Contract; Service Specification; Method Statement Questions; Pricing Document; Information to Tenderers including clear evaluation criteria and sub criteria.</p> <p>The Cabinet report seeking approval to award a Contract must be cleared by the Portfolio Holder for the service and the Portfolio Holder for Finance and Human Resources before it is submitted to Cabinet for approval.</p> <p>Where delegated authority to award is being requested then the delegations requested must be as set out in the next column. A Gateway 2 award report must be written where delegated authority to award exists.</p> <p>UK Notice to be Published (if applicable) and Contracts Finder Contract Notice and Contract Award Notice</p> <p>The Council's High Value Terms and Conditions of Contract must be approved and sealed by the Director of Legal and Governance Services. The master signed and sealed copies of Contract must be sent to the Corporate Procurement Team. One master copy will then be sent to the Supplier, and one retained by the Corporate Procurement Team.</p>	<p>Cabinet</p> <p>When delegated authority to award has been approved by Cabinet then the Corporate Director responsible for the contract that has been given the delegation to award must do so in consultation with the PH for the service area and the PH for Finance and Human Resources</p>

Table 2: Waiver Approval Process

Waiver Value	Documents required for waiver approval	Waiver approval
£25,000 - 99,999	<p>Please complete the online waiver form well in advance of when you wish to engage the Supplier. The waiver form can be accessed via the Hub. Please see link below:</p> <p>Waivers</p> <p>Waiver requests for the same Supplier and service after the first that results in the aggregate value of the waiver going over £100,000 will need to follow the waiver approval process in the band below.</p>	<p>1) Divisional Director; and</p> <p>2) Head of Procurement or Procurement Business Partner from the Corporate Procurement Team</p>
Over £100,000	<p>Authority to award must be obtained prior to any supplier being given a contract, by completing a Procurement Gateway 2 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers.</p> <p>Waiver requests for the same provider and service that results in the aggregate value of the waivers going over £500,000 will need to follow the waiver approval process in the band below.</p>	<p>£100,000>£249,000 Corporate Director</p> <p>£250,000>£499,999 CEO or Director of Finance and the Portfolio Holder with responsibility for Finance and Human Resources</p>
Over £500,000	<p>Cabinet report– Seeking mandate to award through waiver – must consult the Directorate Procurement Board prior to Cabinet submission for approval as a Key Decision.</p>	Cabinet
<p>Please note: Where a waiver is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, a corporate director may authorise the recommendations of the waiver immediately. Where a Procurement Gateway 2 award report documenting the exercise of delegated powers or a Cabinet report is required this should subsequently be submitted to the relevant Procurement Board and/or Cabinet for noting. Decisions over the Key Decision threshold will need to be decided via the Leader acting as urgent Cabinet.</p> <p>Waivers from compliance with Public Contracts Regulations 2015 cannot be granted.</p>		

Key Requirements:

*To find Local Businesses in Harrow, please follow this link to access the Harrow Business Directory.

[Local Business Directory](#)

- No commitment must be given to a Supplier for Supplies or Services prior to a Purchase Order being raised. Please see 5.13 of these CPRs.
- Financial disaggregation of Estimated Procurement Value to avoid compliance with these and the Public Contracts Regulations 2015 is prohibited.
- Contracts, whether income or expenditure, should be captured on the Council's Contracts Register as required by the Transparency Code.
- Equality Impact Assessments must be carried out where there could be equalities implications.
- For the procurement of Care Spot Placements: People Services Directorate please see 6.8 of these CPRs.
- Contract awards under the rules of a Framework Agreement only require a Cabinet report or Gateway 2 report for approval of award recommendations.

The Financial Threshold above which the Public Contracts Regulations must be applied are.

£213,447 (Inc VAT) Supplies and Services

£663,540 (Inc VAT) Light Touch Services

£5,336,937 (Inc VAT) Works and Concessions

Contract Variation or Extension Acceptance

Extensions and Variations

Below Financial Threshold

- If no significant change in scope and costs are within 10% of Contract value - extend with relevant Budget Holder approval
- If costs are above 10% of Contract Value - a waiver approval will be required.

Above Financial Threshold

- If no significant change in scope and costs are within 10% of the Estimated Procurement Value - extend with approval of relevant Budget Holder & Head of Procurement and/or Procurement Business Partner.
- If costs are above 10% seek advice from Head of Procurement and/or Procurement Business Partner and Legal because there may be a legal requirement to advertise again to the market.
- Note that it is only possible to vary a Contract awarded following a procurement fully regulated by the Public Contracts Regulations in limited circumstances (including where the variation or extension option was clearly set out in the original UK Notice and in the Contract). Seek advice from the Procurement Business Partner and HB Public Law in these cases.

1 PREAMBLE

- 1.1 The Council's Contract Procedures Rules are designed to ensure that stewardship and probity are maintained within the Council and that Approved Officers obtain Best Value services and economic, social and environmental value from purchasing arrangements. The Council should follow the Best Value Statutory Guidance: Best value statutory guidance (publishing.service.gov.uk)
- 1.2 These Contract Procedure Rules should be read in conjunction with the Council's Financial Regulations which set out mandatory financial procedures to be followed. These can be found [here](#)
- 1.3 These Contract Procedure Rules are designed to ensure compliance with the Council's Constitution, Council policies, Public Contracts Regulations 2015 and English law.
- 1.4 Tables 1 and 2 at the beginning of this document set out in summary the key requirements that must be adhered to. However, you are strongly advised to refer to the rest of this document for further guidance and to seek the advice and support of the Corporate Procurement team and HB Public Law as appropriate.

2 INTRODUCTION

- 2.1 The Council is responsible for spending substantial public funds and managing other assets and has a duty to demonstrate high standards of probity and stewardship in the day-to-day management of its affairs. To that end it is expected that our day-to-day duties are conducted consistent with the Seven Principles of Public Life¹
- 2.2 The Council purchases Supplies, Services and Works from the private, independent and third sector as well as from other public bodies. The process of identifying what and why we buy, how much we buy, from whom and at what price is extremely important and we have a duty to ensure this process is underpinned by the requirements of the Public Contracts Regulations which include equality of treatment, transparency and non-discrimination. Commissioning and Procurement decisions are amongst the most important the Council makes because we are spending public money and therefore are publicly accountable.
- 2.3 The Council has a responsibility to ensure that, as a minimum, Supplies, Works and Services are of good quality and are competitively but sustainably priced.
- 2.4 Effective, efficient and economic use of resources in order to achieve Best Value is a statutory duty. In working to achieve Best Value, the Council must consider overall value, including economic, environmental and social value. This requirement is embodied in the Public Services (Social Value) Act 2012 for Services Contracts above the Financial Threshold and in the Council's Social Value Policy for other Contracts.
- 2.5 The Council and its officers must always act responsibly and with utmost integrity and comply with statutory requirements. Council officers must always act transparently and avoid acting in an unfair and discriminatory way.

¹ [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- 2.6 If officers fail to comply with these Contract Procedure Rules, which lay down minimum mandatory requirements when engaging in procurement activity, disciplinary action may be considered.
- 2.7 Members and Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Head of Procurement. Noncompliance with the Contract Procedure Rules will be monitored by Directorate Procurement Boards.
- 2.8 Unless the context otherwise requires, terms used in these Contract Procedure Rules have the meanings set out in the Definitions and Interpretation section.

3 APPLICATION

- 3.1 The Contract Procedure Rules provide the governance structure within which the Council may procure Works, Supplies and Services. The aims of these Contract Procedure Rules are to ensure:
 - 3.1.1 Commitment to the principles of transparency, fairness, proportionality, and equal treatment within the procurement process.
 - 3.1.2 Value for Money and propriety in the spending of public money.
 - 3.1.3 That works, supplies and services are delivered effectively and efficiently without compromising the Council's ability to take strategic decisions.
 - 3.1.4 That the Council is not exposed to unnecessary legal, financial, or reputational risk and challenge arising from non-compliant procurement.
 - 3.1.5 Compliance with legislation, and relevant guidance including Procurement Policy Notes issued by the Cabinet Office.
 - 3.1.6 The delivery of the Council's vision and priorities:
 - The delivery of a well-run Council providing good value for money for all.
 - A Council that Puts Residents First
 - A Borough that is Clean and Safe
 - A Place where those in Need are Supported.
- 3.2 The Governance, Audit Risk Management and Standards Committee (GARMS) and the Constitution Review Working Group (CRWG) may, from time to time, recommend to Cabinet and Council changes to the financial thresholds set out in these Contract Procedure Rules.
- 3.3 The Director of Legal and Governance Services in consultation with the Head of Procurement is permitted to undertake an annual refresh to this document without having to seek CRWG and Cabinet approval. These include any changes required because of a change in law and all non-material changes. This must be done in consultation with the Portfolio Holder with responsibility for Finance and Human

Resources to inform them of these changes including what impact they have on the Council.

- 3.4 The Head of Procurement in consultation with the Director of Finance shall maintain and issue the Contract Procedure Rules and the Procurement Strategy. The Contract Procedure Rules take precedence over the Procurement Strategy.

SCHEME OF DELEGATION, CONFIDENTIALITY AND DECLARATION OF INTEREST

- 3.5 All award of Contracts can only be approved by the Scheme of Delegation as stipulated in the Financial Regulations and set out in table 1 at the front of these CPRs. Awarding a contract without prior approval of the requisite approver as set out in these CPRs and the Financial Regulations is a disciplinary offence.
- 3.6 Where there is inconsistency between these Contract Procedure Rules and the Financial Regulations, the latter take precedence. Please report any inconsistencies in writing to the Director of Finance and the Head of Procurement.
- 3.7 All officers and members must take appropriate measures to protect confidentiality and effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures to avoid any distortion of competition and to ensure equal treatment of all suppliers. If you are involved in a procurement project, you must ensure you sign a confidentiality agreement and a declaration of interest. A declaration does not automatically exclude anyone from the procurement process, it alerts the procurement leads and allows them to manage the procurement accordingly.

PRE-PROCUREMENT MARKET ENGAGEMENT

- 3.8 Where a Supplier or an undertaking related to a Supplier, has advised the Council, or has otherwise been involved in the preparation of the Procurement procedure, the Council must take appropriate measures to ensure that competition is not distorted by the participation of that Supplier in the Procurement.

➤ The Council must not:

give any one potential Supplier an advantage in bidding over another Supplier or engage in a way that disadvantages one particular Supplier or group of potential Suppliers.

as a result of the early market engagement, shape the procurement and the Council's requirements in favour of any one particular potential Supplier or solution.

- 3.9 Unrestricted and full direct online access free of charge to the procurement documents must be available from the date of the publication in Find a Tender Services of a UK Contract Notice or the date on which an invitation to confirm interest is sent.

4 SCOPE

- 4.1 The Contract Procedure Rules apply to all Procurement activities, including the spending of income or funding received by the Council from external sources.
- 4.2 Where the Council is entering into a Contract as an agent and/or in collaboration with another public body or organisation, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the organisation with whom we are collaborating. Where the Council is acting as principal the Contract Procedure Rules will take precedence.
- 4.3 The Scheme for Financing Schools 2013 requires schools under Council control to comply with these Contract Procedure Rules.
- 4.4 Framework Agreements that have been established by other Public Sector Bodies that are lawfully accessible to the Council should be used in accordance with the terms and conditions of the relevant Framework Agreement. Contracts awarded under the rules of a Framework Agreement only require a Cabinet report or Gateway 2 report for approval of award recommendations.
- 4.5 The following are out of scope of the Contract Procedure Rules:
 - 4.5.1 Social Care Residential and Nursing Care Spot Placement (see section 6.8)
 - 4.5.2 Any purchase or sale of a property, interest in land, transaction in land and or lease transaction but this must be authorised in accordance with the requirements set out in the Constitution and, specifically, the Management of Asset, Property and Land Rules.
 - 4.5.3 Procurement of Services from other public bodies where it can be evidenced that the body is the only supplier of the Services.
 - 4.5.4 The awarding of grants. However, council officers should always ensure the principles of openness, fairness, non-discrimination, compliance with the public sector equality duty and Value for Money apply.

5 ROLES AND RESPONSIBILITIES

The Corporate Director with the support of the Head of Procurement is accountable for all Procurement activity in their directorate. Their duties are to ensure:

- 5.1 Compliance with the Public Contracts Regulations 2015, Financial Regulations, Contract Procedure Rules and the Procurement Strategy.
- 5.2 Compliance with the Local Government Transparency Code October 2015 issued by the Department for Communities and Local Government.
- 5.3 Compliance with the Contract Procedure Rules for their Directorate's Procurement activity.
- 5.4 That no Procurement over the specified threshold commences without the approval of a Procurement Gateway 1 report at the appropriate Procurement Board. A Cabinet report

and authority is required for all Procurements over £500,000 or where the Procurement is defined as a Key Decision. (See Table 1)

- 5.5 That no commitment to award a Contract with a Supplier over the specified threshold is made without a Procurement Gateway 2 award report documenting the exercise of delegated powers having been considered at the appropriate Procurement Board and having been signed off under the Financial Scheme of Delegation. A Cabinet report and authority is required for all procurement over £500,000 or where the Procurement is defined as a Key Decision. (See Table 1)
- 5.6 A Gateway 2 award report does not need to be written where approval of an award is required from Cabinet. However, all Cabinet reports must be considered by the Directorate Procurement Boards as part of their journey to Cabinet for approval. However, where Cabinet has delegated authority to an officer to make an award decision then a Gateway 2 report will need to be written to document the exercise of this delegation and taken to the relevant Directorate Procurement Board.
- 5.7 That Works, Supplies and Services delivered or provided by Suppliers for the Council are approved and covered by suitable Council terms and conditions of Contract so that the responsibilities of each party are clear.

If it is deemed necessary to sign up to third party terms and conditions of contract legal advice must be sought from HB Public Law on all legally binding Contracts entered by the Council.
- 5.8 That the ten calendar days Standstill Period between the Contract award decision and Contract signature is observed where required to do so. The 10-day period ends at midnight following the tenth day. If the 10th day is a weekend, then the period is extended to the next working day. Seek procurement and legal advice on this matter.
- 5.9 Ensure that Contract terms and conditions to be used in Procurement have been approved by the Director of Legal and Governance Services.
- 5.10 That they use their best endeavours to ensure that no Contract commences prior to the Terms and Conditions of Contract being signed and, where necessary, sealed.
- 5.11 That all master copies of Contracts are delivered to the Procurement Team.
- 5.12 That all Key Decisions as defined in Article 13 of the Constitution are recorded on the Council's Forward Plan.

PURCHASE ORDERS

- 5.13 It is mandatory under section D42 of the Financial Regulations to raise Purchase Orders on the Corporate Financial System prior to procuring Works, Supplies and Services, unless an exemption is approved by the Director of Finance. It is a serious breach of the Financial Regulations and CPRs to engage with suppliers and to order the provision of Goods, Works or Services without the appropriate approvals to do so. No order must be made without raising a purchase order to the value of the purchase. The Purchase Order Number must also be referenced on the invoices.

If you raise a PO via 'describe what you need' and this is approved by a budget manager and procurement; and you then need to make an amendment, the amendment **MUST NOT** take the Net Value over £25k. If the value is taken over £25,000 it is a **serious breach** of the CPRs and Financial Regulations.

The Services exempt [when required to be] from this rule are:

- Sexual Health (GUM) Services
- Emergency and immediate spot placement of residential and nursing services;
- Barrister Fees; Court Order Disbursements; and Law Library Encyclopaedia

- 5.14 that all Contracts are awarded based on the *Most Economically Advantageous Tender (MEAT)*. The MEAT shall be assessed from the Council's point of view, on the basis of the price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the Contract.
- 5.15 Identify, evaluate, record and appropriately mitigate risk (e.g., provision of performance bond, parent company guarantee and appropriate payment provisions and termination clauses within Contracts).
- 5.16 That all Invitation to Tender documents clearly describe the Evaluation Criteria, sub criteria and weighting and that the tender evaluation is based strictly on the published criteria and weighting.
- 5.17 That Evaluation Criteria require the bidder to state how they will meet social value and environmental considerations (for example - employment, training, apprenticeships, use of SME's and local Suppliers). Please see the Social Value Policy for guidance.
- 5.18 The Council has declared a climate emergency and has committed to working towards becoming a carbon neutral organisation by 2030. All tendering must evaluate Suppliers on their ability to deliver greenhouse gas emission reductions, with a minimum 5% weighting of the total evaluation criteria. Consideration should be given to increasing this percentage in relation to Works, Goods and Services with a high carbon impact. Opportunities for carbon reduction should also be considered in lower value procurement that is not subject to formal tendering. If required, please seek the advice of the Head of Procurement and Head of Natural Resources and Climate.
- 5.19 Immediate corrective action is taken in the event of a breach of the Contract Procedure Rules with the support of the Corporate Procurement Team and HB Public Law.
- 5.20 That their Directorate works closely with the Corporate Procurement Team to develop category strategies and plan and deliver a programme of Procurement delivery which includes all commissioning intentions and planned Procurement activity and that this is monitored and refreshed on an annual basis.
- 5.21 That the use of the FB60 method of payment is consistent with the guidance set out by the unsupported payments procedure note within the Financial Regulations.
- 5.22 That Contracts are not artificially underestimated or disaggregated into two or more separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or The Public Contracts Regulations

5.23 That Suppliers explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the Works, Supplies or Services. This is a legal requirement under The Public Contracts Regulations 2015.

6 AUTHORISATION

- 6.1 All Procurement over £100,000 requires the engagement of the Corporate Procurement Team and HB Public Law.
- 6.2 Finance, Procurement, Legal and, where appropriate Audit, ICT and Planning clearance must be obtained within reports before they are submitted to Procurement Boards or Cabinet.
- 6.3 A Procurement Gateway 1 report documenting the exercise of delegated powers or Cabinet report (see Table 1) for commencement of a Procurement activity must be considered by the respective Procurement Board and Cabinet.
- 6.4 A Procurement Gateway 2 report or Cabinet report (see Table 1) for contract award must be presented to and considered by the respective Procurement Board and Cabinet.
- 6.5 Any Procurement must be authorised in accordance with the Scheme of Delegation as published within the [Financial Regulations](#).
- 6.6 All Service Leads must consider whether it is appropriate to complete an [Equalities Impact Assessment](#).
- 6.7 A partnership arrangement must not be used as a means of avoiding the Contract Procedure Rules or The Public Contracts Regulations. All new partnership arrangements are required to be reported as required by section E7 of the Financial Regulations. This clause is not applicable to the award of grant payments.
- 6.8 Procurement of Social Care Spot Placements: People Services Directorate
- 6.8.2 A general waiver is granted so that there is no need to tender such requirements acknowledging at all times that the Council has a duty to achieve Best Value in making such placements.
- 6.8.3 The Corporate Director of People Services must have in place a process that requires the approval of a Head of Service or a more senior Council officer for all new placements where the annual value of a placement is likely to exceed £62,500.
- 6.8.4 All new placements where the annual value is likely to exceed £125,000 require the approval of the relevant Statutory Director.
- 6.8.5 All new placements where the annual value exceeds £250,000 require the above approvals of the relevant Statutory Director and the Portfolio Holder with responsibility for the respective department must be consulted.
- 6.8.6 The Corporate Director of the Peoples Directorate must, as a minimum, annually review all care placements (existing and new) in order to continue to demonstrate Value for Money and Best Value. A report will be required to be

presented to the Directorate Procurement Board annually on the completion of the review.

7 PROCUREMENT METHOD

- 7.1 Approved Officers must treat Suppliers equally and without discrimination and must act in a transparent and proportionate manner.
- 7.2 Before commencing a Procurement procedure Approved Officers may conduct market consultations with a view to preparing the Procurement and informing Suppliers of their Procurement plans and requirements provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency. Officers may, for example, seek or accept advice from independent experts or authorities or from market participants. [See 3.8 above]
- 7.3 The default position in acquiring Works, Supplies and Services should always be through competition, that is through competitive tendering. Please refer to Table 1 of these Contract Procedure Rules to determine the Procurement process that should be used. The Procurement Team must be involved and engaged on the Procurement strategy/approach to be adopted for all purchases over £100,000. Similarly, the Economic Development Team must be consulted on promoting opportunities to local companies through Business Newsletters and Supplier Events.
- 7.4 The E-Procurement portal can be used for any Procurement where the lifetime value of the Contract exceeds £ 50,000.
- 7.5 The use of Selection Questionnaires is only required for contract values above the Financial Threshold. Suitability Assessment Questions may be asked as appropriate for contract values below the Financial Threshold.
- 7.6 The Head of Procurement must approve accessing externally established Framework Agreements. Approval for subsequent call-offs from the approved Framework Agreements will be subject to the requirements of these Contract Procedure Rules and compliance with the rules for call-off set out in the Framework Agreement.
- 7.7 Officers may decide to award a Contract in the form of separate lots and may determine the size and subject matter of such lots. They must document the main reasons for their decision not to subdivide into lots in the gateway reports.
- 7.8 Concession Contracts

The Concession Contracts Regulations 2016 (CCR) apply to the award of Works Concession Contracts or Services Concession Contracts above £5,336,937 (Inc VAT)

Concession Contracts must meet the following requirements:

- The award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the Works or Services encompassing demand or supply risk or both.
- The part of the risk transferred to the concessionaire involves real exposure to

the vagaries of the market, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. The concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the Works or the Services which are the subject-matter of the Concession Contract

The same general principles that apply to other procurement rules apply to the award of Concession Contracts. In particular, the Council must treat providers equally and without discrimination and must act in a transparent and proportionate manner.

Seek advice from Corporate Procurement Team and HB Public Law if you consider that you might want to award a Concession Contract

8 INFORMATION GOVERNANCE

- 8.1 When procuring, the responsible Council officer must ensure Due Diligence checks are carried out to provide sufficient guarantees that the Supplier's technical and organisational security measures for handling and protecting information and data are appropriate, suitable, and lawful. This is a requirement under Principle 7 of the Data Protection Act.
- 8.2 Evidence of these checks, copies of policies and guarantees provided by the Supplier must be retained by the Council officer responsible for management of the Contract and be regularly reviewed throughout the life of the Contract.
- 8.3 Contract managers must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data or accidental loss or destruction of, or damage to, personal data.

9 ACCEPTANCE

- 9.1 Awarding and entering into contractual arrangements for values above £50,000 is subject to:
 - 9.1.1 Re confirmation of budgetary provision as initially identified and allocated prior to any Procurement activity.
 - 9.1.2 Confirmation of acceptable financial status of the Supplier; and
 - 9.1.3 The Council's Terms and Conditions of Contract must be signed for values over £50,000 and sealed for all Contracts over £100,000 prior to the commencement of Contract. Legal input from HB Public Law should be sought on Contracts.
- 9.2 Awarding and entering contractual arrangements for values above £100,000 is subject to:
 - 9.2.1 A Procurement Gateway 1, Procurement Gateway 2 or a Cabinet report approved by the relevant Procurement Board/Cabinet and the Scheme of Delegation (as per sections F3/F4 of the Financial Regulations). As required per Table 1.

9.2.2 The Contract being sealed by the Director of Legal & Governance Services.

9.3 Acceptance thresholds for Contract extensions and variations of all values are subject to further conditions as set out in Section 12 (Extensions and Variations) of these Contract Procedure Rules.

10 CONTRACTS SIGNING and SEALING

10.1 Every Contract or Contract novation must be in a form approved by the Director of Legal and Governance Services or delegated officer if its value exceeds £50,000 or where it is appropriate to seek such approval due to the nature of the Contract.

10.2 Contracts with an Estimated Procurement Value greater than £100,000 must be sealed on behalf of the Council, unless the Director of Legal and Governance Services or delegated officer directs otherwise. Legal input from HB Public Law should be sought on such Contracts.

Where the Contract term is not fixed the Estimated Procurement Value is calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015 .

In the case of Framework Agreements or Dynamic Purchasing Systems the Estimated Procurement Value is calculated to include the total estimated value, net of VAT, of all the individual contracts envisaged for the total term of the Framework Agreement or the Dynamic Purchasing System.

For Concession Contracts the estimated value will be the total turnover of the concessionaire generated over the duration of the contract (net of value added tax) in consideration for the works and services which are the object of the Concession Contract and the supplies incidental to such works and services.

10.3 Framework Agreements entered into with respect to the provision of social care to individual service users do not require sealing and need only to be signed by the respective Director or their nominated representative.

10.4 In the circumstances where a Court or Tribunal directs a particular placement, it must be sealed.

10.5 Where the Director of Legal and Governance Services or delegated officer considers it desirable that a Contract should be sealed other than as specified above, then such a Contract must be sealed.

10.6 All Contracts should have a clear start and end date, detail any extension options and full aggregate value of the Contract including extension period.

11 CONTRACT MANAGEMENT

11.1 Contract and Supplier Relationship Management is pivotal to the successful delivery of the Contracts that we award. A contract manager must be nominated for each Contract over £50,000 and is responsible for monitoring the performance of the Supplier and the

Contract.

- 11.2 During the life of the Contract, Corporate Directors, Divisional Directors and Lead Commissioners must ensure that the Council's approved processes for contract management, as set out in the Contract Management Procedures are followed.
- 11.3 For the avoidance of doubt, officers shall not issue instructions commissioning new Services and/or variations directly to any sub-contractor of a primary contractor of the Council. All communication for variations and change of scope must be directed to the primary contractor not their sub-contractors. Day to day communication relating to delivery of their responsibilities as sub-contractors is permitted.

12 EXTENSIONS and VARIATIONS

- 12.1 Contracts may only be extended without having to seek further Directorate Procurement Board approval if the provisions of 12.1.1 to 12.1.4 are met:
- 12.1.1 The original Contract was awarded following a Contract Procedure Rules compliant competitive tender or Quotation process and includes an option to extend without seeking further approval.
 - 12.1.2 The extension or variation is in accordance with the terms and conditions of the existing Contract. Input from HB Public Law and the Corporate Procurement Teams should be sought to confirm this is the case and to support the drafting of the extension and/or variation documents.
 - 12.1.3 If the initial Contract was subject to the Find a Tender Services (FTS) tender procedure, that the extension option was declared within the UK Contract Notice and is contained in the Contract.
 - 12.1.4 The Contract has not been extended beyond the approved extension period.
- 12.2 In the event that the provisions of 12.1.1 to 12.1.4 are not met then a Waiver must be sought in accordance with section 13 (Waivers) or alternatively a new Procurement must commence.
- 12.3 Regulation 72 of the Public Contracts Regulations 2015 permits an amendment, extension or renewal of an existing Contract without triggering a new Procurement exercise in the following cases:
- a) The original Contract includes a "clear, precise and unequivocal review clause". The overall nature of the Contract must not be altered as a result of the change.
 - b) New Works, Services or Supplies need to be purchased from the Supplier and a change of Supplier cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the Council's costs. This is subject to the provision that each change does not increase the Contract's value by more than 50 per cent as a result.
 - c) Circumstances have arisen that the Council could not reasonably have foreseen and that require an amendment to the existing Contract. The Contract's overall nature must not be altered and the Contract's value must not increase by more than 50 per cent

because of any change.

- d) A new Supplier is required to replace the Supplier originally party to the Contract, either because this is the result of corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original Supplier, or because this change was envisaged in a review clause in the original Contract. This provision cannot be relied on if the Supplier is being replaced for a different reason.
- e) The value of the modification is both below the Financial Threshold and is less than 10 per cent of the initial Contract value (where the Contract is for Supplies or Services) or less than 15 per cent of the initial Contract value, in the case of a Works Contract. More than one change can be made under this provision provided the cumulative value of the modifications do not exceed the Financial Threshold.
- f) The proposed modifications are insubstantial. This does not include any modifications that result in any of the following:
- the Contract would become materially different.
 - the scope of the Contract would extend considerably.
 - the outcome of the initial Procurement procedure would have been different had the modification been implemented at that time. For example, other tenders would have been accepted or other candidates would have been admitted.
 - the economic balance would shift in favour of the Supplier; or
 - a new Supplier would replace the original Supplier in a circumstance not provided for in d) above.

12.4 Officers must consult the Procurement team and HB Public Law to confirm if any of the circumstances set out in section 12.3 above apply, permitting a Contract amendment, extension or renewal and must also comply with the Authorisation and Acceptance Thresholds in Table 1

A Contract Variation Notice needs to be sent to Find a Tender Service in the case of Contract variations permitted and made in accordance with paragraphs b) and c) of section 12.3 above.

12.5 In the event that the provisions of 12.3 are not met then a Waiver must be sought in accordance with section 13 (Waivers) or alternatively a new Procurement must commence.

13 WAIVERS

13.1 Circumstances may arise where permission is required to waive one or more of the Contract Procedure Rules. Waivers are reserved for exceptional circumstances and will only be approved where good and sufficient reason has been demonstrated. A Waiver will not be granted simply on the grounds of convenience or because of inadequate forward planning. The Council can only waive the rules established by the Council – the Council cannot waive UK law or the Public Contracts Regulations 2015.

13.2 All Waivers must be approved as per Table 2: Waiver Approval Process.

13.3 Waivers to any of the Council's rules must be sought in advance of any contractual

agreement, order placement, use of Works, Services or purchase of Supplies. Any waiver requests that are submitted in a timeframe that does not allow for an alternative route to be taken will be deemed to be non-compliant and a breach of the CPRs

- 13.4 Procurement of Social Care Spot Placements – (i.e. individual placements that fall outside of any block contracting arrangements) A general Waiver is granted so that there is no need to tender such requirements acknowledging at all times that the Council has a duty to achieve Best Value in making such placements. (Please refer to 6.8 of these CPRs)
- 13.5 Any Waiver, wherever possible, should not be more than one year in duration, unless it can be demonstrated that any longer period is in the best interest of the Council.
- 13.6 Waiver requests for the same Supplier and service after the first that results in the aggregate value of the waivers going over the £100,000 will need to follow the waiver approval process for the next band below as per table 2
- 13.7 Waiver requests for the same Supplier and service that results in the aggregate value of the waivers going over the £500,000 will need to follow the waiver approval process for the next band below as per table 2.
- 13.8 Normally the circumstances under which a Waiver can be agreed are:
- a. **Sole Supplier:** It can be proven that there is only one Supplier who can deliver the Supplies or Services. (It is considered better practice to issue a tender to evidence that there is only one Supplier.)
 - b. **Demonstrable Best Interest:** It can be demonstrated that it is in the Council's best interest and this is clearly demonstrated in the Waiver report.
 - c. **Emergency:** There is a clear need to provide a service or a product immediately in the instance of a sudden unforeseen crisis; the immediate risk is to health, life, property or environment.
 - d. **Service Imperative:** Demonstrable circumstance that is exceptional.
 - e. **Extension as a Waiver:** Where an extension to a Contract is being sought but it is not possible under the current terms and conditions of the Contract.

14. PROCUREMENT GOVERNANCE: CABINET AND MEMBER ENGAGEMENT

- 14.1 All Cabinet reports seeking approval to commence a procurement for the acquisition of Works, Goods or Services must be accompanied by the tender documents and a recommendation seeking approval of the tender documents.
- 14.2 The development of the tender documents prior to seeking approval by Cabinet must be done in close engagement and consultation with the portfolio holder for the service and any other portfolio holder that is considered to have an interest in the outcome of the tendering exercise.

- 14.3 Where approval is being sought from Cabinet for a programme of procurement, delegated authority may be given by Cabinet to the Corporate Director in consultation with the Director of Finance (S151 Officer) and the Portfolio Holder responsible for the programme to commence each procurement and award all contracts under the programme. All commencement and award approvals must follow the procurement gateway process.
- 14.4 Following Cabinet approval to commence procurement as set out above, the procurement process must commence no later than eight weeks after the approval has been granted unless otherwise approved by Cabinet.

DEFINITIONS and INTERPRETATION

Term	Definition/Interpretation
Acceptance	The authorisation to enter a Contract with a particular Supplier(s) on the terms, conditions and at the price(s) as set out in the Contract documents.
Approved Officer	The Corporate Director, Divisional Director, Service Lead or Lead Commissioner Officer who has responsibility for all Contracts tendered and let by their Directorate including Contract monitoring and management once the Contract is in place.
Authorisation	The approval required to enable any Procurement to commence or any Contract to be awarded.
Best Value	The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The Councillors who, together with the leader, form the executive
Cabinet Report	A report that is required to be submitted to Cabinet.
Chief Executive	The most senior officer, with overall responsibility for the management and operation of the Council.
Head of Procurement and Procurement Business Partner	The officer in the Corporate Procurement Team that has responsibility to provide expert support and guidance to the Council.
Commercial and Procurement Strategy	The Council's Commercial and Procurement Strategy available Here
Corporate Procurement Team	The team that provides expert Procurement support to the Council.

Term	Definition/Interpretation
Commercial Strategy	The document that sets out the commercial and procurement priorities of the Council.
Competitive Tendering	Awarding of Contracts by the process of inviting competing tenders.
Concession Contract	aA services concession contract or a works concession contract as defined in The Concession Contracts Regulations 2016. They are contracts for pecuniary interest which consist either solely in the right to exploit the services or works that are the subject of the contract or in that right together with payment.
Constitution	The document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Contract	A formal written agreement, which is enforceable by law between the Council and the provider of any Supplies, Services or Works.
Contract Management Procedures	The Council's Contract management procedures which can be found Here
Contract Procedure Rules (CPRs)	The rules required in accordance with section 135 of the Local Government Act 1972.
Contracts Finder	Means a web-based portal provided by or on behalf of the Cabinet Office for the publication of information about contracts awarded. Contract Finder
Contracts Register	Record of Council Contracts maintained by the Head of Procurement.
Corporate Director	The officer in charge of a Council Directorate.
Director of Finance	Also known as the "Section 151 Officer". The Officer responsible for the administration of the financial affairs of the Council.

Term	Definition/Interpretation
Directorate Procurement Board	The group of officers who meet regularly in each Directorate to consider procurement business within their directorates and consider all procurement gateway reports (£100,000 to £499,999) and Cabinet Reports for procurements over £500,000 and all Key Decisions.
Due Diligence	<p>A process of acquiring objective and reliable information, generally on a person or a company, prior to making any decisions.</p> <p>A systematic research effort, which is used to gather the critical facts and descriptive information which are most relevant to the making of an informed decision on a matter of importance.</p>
Dynamic Purchasing System	is appropriate for commonly used purchases the characteristics of which, as generally available on the market, meet the Council's requirements. The rules for using it are set out in regulation 34 of the Public Contracts Regulations 2015.
Electronic Procurement Portal	The Council's electronic system for conducting procurement activity.
Estimated Procurement Value	The value of a procurement based on the total amount payable, net of VAT, as estimated by the Council, including any form of option and any renewals of the Contracts as explicitly set out in the procurement documents

Term	Definition/Interpretation
Evaluation Criteria	<p>The publishing of detailed objectively quantifiable award criteria and sub criteria linked to the subject matter of the contract together with their weighting (or ranking where weighting is not possible for demonstrable reasons) and the method by which you will evaluate them in the contract documents. They may include but are not limited to:</p> <p>(a) quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions.</p> <p>(b) organizations, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract; or</p> <p>(c) after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.</p>
Executive	The Leader and the Cabinet; responsible for carrying out almost all the council's functions.
Financial Threshold	<p>The Financial Threshold above which the Public Contracts Regulations must be applied.</p> <p>The UK reviews this financial threshold bi-annually. From 1st January 2022 the value is:</p> <p>£213,447 (Inc VAT) Supplies and Services £663,540(Inc VAT) Light Touch Services £5,336,937 (Inc VAT) Works and Concessions</p>
Forward Plan	A schedule of the Key Decisions the Executive expects to take over the next 4 months.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Financial Regulations	The Financial Regulations as approved by the full Council and set out in nthe constitution.

Frequently Asked Questions	Answers and further guidance developed by the procurement team to the most asked questions related to the procurement process. The FAQ document is here
HB Public Law	The legal team within the council.
Invitation to Tender Documents	The documents inviting Suppliers to tender, including the Terms and Conditions of Contract; Service Specification; Method Statement Questions; Pricing Document; Information to Tenderers including clear Evaluation Criteria and sub criteria.
Life-Cycle Costing	Covers part or all the following costs over the life cycle of a product, service or works: (a) costs, borne by the Council or other users, such as: (i) costs relating to acquisition, (ii) costs of use, such as consumption of energy and other resources, (iii) maintenance costs, and (iv) end of life costs, such as collection and recycling costs. (b) costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs
Light Touch Regime Services	The rules and procedures for procuring Social and other Specific Services. Those procedures must ensure compliance with the principles of transparency and equal treatment of Suppliers, publication of a Contract Notice and a Contract Award Notice.
Local Business	Organisations (private, voluntary and or community led) within Harrow borough boundary who can provide works, goods and services to the Council.

Term	Definition/Interpretation
Key Decision	<p>A decision by the Executive which is likely to:</p> <p>(i) 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</p> <p>(ii) be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.</p> <p>(iii) 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.</p>
Members	The elected representatives of the Council.
Most Economically Advantageous Tender (MEAT)	<p>Assessment of the tenders received using a variety of objective and non-discriminatory criteria linked to the subject matter of the contract to identify the tender which is best value for money.</p> <p>You cannot use the criteria for any purpose other than identifying the most economically advantageous tender from the point of view of the procurer. It allows you to assess a number of factors including the technical aspects, social value, sustainability and price of a tender and to rank the tenders in the competition.</p>
Portfolio Holder	The Member of Cabinet responsible for ensuring the effective management and delivery of Executive functions. Each Portfolio Holder has specific areas of responsibility.

Term	Definition
Selection Questionnaire	The questionnaire usually sent to Supplier who express an interest in tendering for a Contract which seeks details and information about their technical, financial and organisational ability to perform the Contract
Procurement	<p>The acquisition by means of a public contract of works, supplies or services by one or more public bodies from Suppliers chosen by those public bodies, whether or not the Works, Supplies or Services are intended for a public purpose.</p> <p>This includes any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, Quotation or tendering process, commercial activities and entering into Contracts.</p>
Procurement Card	A Corporate Purchasing Card for the purchase of low value supplies, works or services. To be used in compliance with the Procurement Card Policy
Procurement Gateway 1	The report required to be written and presented to the respective procurement board and approved prior to commencing any procurement or tendering activity.
Procurement Gateway 2	The report required to be written and presented to the respective procurement board and then signed off by the scheme of delegation to seek authority to award a contract, extend a contract or seek a waiver to these CPRs.
Procurement Plan	compiled by the Procurement Team setting out planned annual procurement pipelines across each directorate.
Public Contracts Regulations 2015	The main body of law that regulates the purchasing by Public Sector Bodies and certain utility sector bodies of contracts for goods, works or services. In England these are the Public Contracts Regulations 2015

Public Sector Bodies	Including, but not limited to the West London Alliance, London Councils, ESPO, YPO, Crown Commercial Services, the EFA, Greater London Authority and Transport for London
Term	Definition/Interpretation
Purchase Order	The mandatory order created within the D365 System for Goods, Works or Services.
Quotation	A priced bid for the provision of supplies, a service, or supply of works
Scheme of Delegation	A formal document recording the agreed handing down of statutory (where allowed) and other responsibilities by the Council to the Cabinet, Cabinet Members, Committees, Panels and Officers.
Services	Means the services to be provided as detailed in the Specification and shall, where the context so admits, include any materials, articles or supplies to be supplied there under.
Service Specification	The document usually attached as a schedule to the terms and conditions of Contract specifying in detail the Council's precise requirements relating to the purchase of Supplies, Services or Works.
Social and other Specific Services	Those social and other specific services set out at Schedule 3 of the Public Contracts Regulations 2015 to be awarded in accordance with Section 7 of the Public Contracts Regulations 2015
Social Care Spot Placement	Individual placements that fall outside of any block contracting arrangements
Standstill Period	<p>The standstill period is a 10 day pause between contract award decision and the formal award of the Contract. The standstill is a legal requirement which the Council must comply with. It applies to all procurements covered by the full scope of the Financial Thresholds.</p> <p>The period allows unsuccessful bidders to obtain more information on the award of the contract. Unsuccessful bidders can take appropriate action if they believe they have been treated unfairly. The period is also known as the 'Alcatel Period'. Alcatel was the name of the European case which brought about the change in the law.</p>

Term	Definition/Interpretation
Suitability Assessment Question	Means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing
Supplies	Means the supplies to be provided as detailed in the specification.
Supplier	A Supplier or potential Supplier of Works, Supplies or Services to the Council.
Terms and Conditions of Contract	A document approved by HB Public Law that sets out the relationship between the Council and a third party.
Transparency Code	The Local Government Transparency Code setting out the minimum data that local authorities should be publishing, the frequency it should be published and how.
TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)) as amended from time to time.	Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer.
UK Notice	Notice posted on the Find a Tender Service (FTS). This includes a Prior Information Notice (PIN), a Contract Notice or a Contract Award Notice.
Value for Money	The optimum combination of Life Cycle Costing and quality (or fitness for purpose) to meet the Council's requirements
Waiver	An exception from the strict compliance with Contract Procedure Rules granted in accordance with the relevant section within these CPRs (section 13)

Works	Means the work or works to be provided as detailed in the service specification, including building, engineering and capital works
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There are number of valuable links in the above Contract Procedure Rules document, if any of them fail to open please try to generic link to the procurement Intranet Page:

Procurement (sharepoint.com)

J. Miscellaneous Procedure Rules

1.1 Right to inspect land, premises etc.

Unless specifically authorised to do so by the Council or a Committee or the Executive, a member of the Council may not claim by virtue of his or her membership of the Council, any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

1.2 Right to authorise or issue works orders

Unless specifically authorised by the Council or the Executive or a Committee to do so, a member of the Council shall not issue any order authorising any works, which are being or might be carried out on behalf of the Council.

Financial Regulations February 2019

1. Purpose

The purpose of this document is to set out the Financial Regulations of the Council having due regard to the overall regulatory framework of Local Authorities, as well as Harrow's own approach to financial management.

To conduct its business effectively, the Authority needs to have sound financial management policies in place that are strictly adhered to. Part of this process is to adopt and implement Financial Regulations. The Regulations contained herein have been drawn up to ensure the financial matters of the Authority are conducted properly, reflect the application of best practice and the requirements of legislation. These include but are not restricted to:

- a) s151 Local Government Act, 1972;
- b) s113 Local Government Finance Act, 1988;
- c) s114 and S114 (7) Local Government Finance Act, 1988;
- d) Local Government Act, 2003 (England and Wales);
- e) Proceeds of Crime Act, 2002;
- f) Accounts and Audit (England) Regulations, 2015,
- g) Approved Accounting Standards – International Accounting Standards Board
- h) Code of Practice on Local Authority Accounting – CIPFA;
- i) Public Sector Internal Audit Standards (PSIAS) – CIPFA and IIA;
- j) Code of Recommended Practice for Local Authorities on Data Transparency – CSB;
- k) Money Laundering Regulations, 2007 SI 2007/2157;
- l) Prudential Code for Capital Finance in Local Authorities – CIPFA;
- m) Service Reporting Code of Practice – CIPFA;
- n) Statement on the Role of the Chief Financial Officer – CIPFA;
- o) Standing Guide to Commissioning Local Authority Work and Services – CJC;
- p) Treasury Management in the Public Sector Code of Practice – CIPFA
- q) Criminal Finance Act 2017 – Corporate Criminal Offence in relation to facilitation of tax evasion

They also seek to reinforce the standards of conduct in public life required by the Authority of its Members and officers, and in particular the need for openness, accountability and integrity.

2. Status

Financial Regulations provide the framework for managing the Authority's financial affairs and form part of the Authority's Constitution. They apply to every Member and officer of the authority. The Financial Regulations should not be seen in isolation, but rather as part of the overall regulatory framework of the Authority that includes the role of committees, codes of conduct for Members and officers, schemes of delegation and Procurement Standing Orders as well as detailed procedure guides. The role of the Chief Finance Officer ("CFO") is defined in detail in the Council's Constitution.

Compliance with Financial Regulations is mandatory. Breaches of Financial Regulations of a serious nature may result in action being undertaken under the Conduct procedure. Breaches shall be reported in the first instance to the CFO who will decide what further action needs to be taken, in consultation with the Monitoring Officer.

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References are made throughout the individual sections to delegated limits of authority. The actual value of each limit is contained in Section F in order to avoid reviewing the whole set of Financial Regulations when changes to delegated limits are approved by Council.

Section A. Financial Management Framework

A1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

Policy Framework

Roles and Responsibilities

A2 The role and responsibility of Council are described in Article 4 of the Constitution

A3 The role and responsibilities of the statutory officers are laid out in Article 12 of the Constitution.

Chief Financial Officer/ s151 Officer (“CFO”)

A4 The CFO is the Authority’s most senior executive role charged with leading and directing financial strategy and operations. This role is a statutory role under section 151 of the Local Government Act, 1972.

Directors:

A5 For the purpose of these regulations only, Directors includes the Head of Paid Service, all Corporate Directors, Divisional Directors and Head Teachers of Maintained Schools.

A6 Directors are responsible for ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the CFO. Budget decisions are taken by all Members at Full Council.

A7 It is the responsibility of Directors to consult with the CFO and seek approval on any matter liable to affect the Authority’s finances materially, before any commitments are incurred. They must also provide the CFO with the access they require to all locally held financial records and systems.

A8 Directors' responsibilities also include:

- I. ensuring their staff including consultants or temporary staff are aware of the existence and content of the Authority’s Financial Regulations and other internal regulatory documents and that they comply with them;
- II. notifying the CFO of any situation that may create a contingent liability, potential claim or an overspend of their budget;
- III. signing contracts on behalf of the Council within the approved Officers’ Scheme of Approval and Delegation and Contract Procedure rules;
- IV. complying with any Council wide spending restriction protocol determined by the CFO;
- V. ensure that there is an effective management hierarchy and budget management.

- A9 A delegation in Financial Regulations to a Chief Officer shall permit further delegation to other officers, provided that the terms of the delegation are clearly documented and authorised. Directors remain accountable for their operation.

Other Accountabilities

Virement

- A10 The full council is responsible for agreeing procedures for virement of expenditure between budget headings (see table within Section F)

Treatment of year-end balances

- A11 The full Council is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

Accounting policies

- A12 The CFO is responsible for selecting accounting policies and ensuring that they are applied consistently subject to the approval of the Governance, Audit, Risk Management and Standards Committee. (GARMS).

Accounting records and returns

- A13 The CFO is responsible for determining the accounting procedures and records for the authority subject to the approval of GARMS.

The Annual Statement of Accounts

- A14 The CFO is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and in accordance with statutory deadlines.
- A15 GARMS is responsible for approving the annual Statement of Accounts within the statutory deadlines.

Budget Managers

- A16 Budget managers are responsible for the delivery and monitoring of their service revenue and capital budgets and achieving the level of service/performance required to be delivered within them.

Individual's responsibilities

- A17 All employees involved with finance should be aware of the regulations and relevant procedures for their work area. If an officer is unclear about some aspect of these rules they should seek advice before acting from their line manager, Finance Team or Internal Audit.
- A18 All Members and officers (including temporary agency staff and consultants), have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

Schools

- A19 Delegated budgets of schools, in accordance with the Schools Standards and Framework Act 1998, remain part of the authority. The statutory responsibilities of the CFO and these regulations apply to schools in the same way as any other part of the Council.

Section B Financial Management and Planning

B1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

Policy Framework

B2 The full council is responsible for agreeing the Authority's policy framework and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- I. the Corporate Plan (Harrow Ambition Plan);
- II. the Revenue Budget;
- III. the Capital Programme, and
- IV. the Medium Term Financial Strategy ("MTFS")

B3 The full Council is responsible for approving the policy framework and budget. In addition, local authorities can specify additional plans or strategies (statutory or non-statutory) to be adopted or approved by the full council. The detailed policy framework can be found in Article 4 of the Constitution.

B4 All Members and officers have a duty to abide by the highest standards of probity dealing with financial issues. This is facilitated by ensuring that all officers are clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

B5 Members, the Corporate Leadership Team (CLT) and the CFO shall receive updates on the financial performance of the Authority by receiving regular budget monitoring and outturn reports, and also the annual External Audit management letter.

B6 The Head of Paid Service will ensure there is an effective performance management framework in place that brings together financial and non-financial information in a meaningful way to assist financial planning and management.

B7 The CFO shall ensure that all officers:

- I. are aware of, and comply with, proper financial management standards, including these Financial Regulations; The Council's weekly newsletter to all staff will inform where the financial regulations are held on the intranet, highlight when they are updated and bring to the attention major changes. Compliance with the financial regulations would be a feature of all induction courses and refresher training for existing members of staff.
- II. are properly managed, developed, trained and have adequate support to carry out their financial duties effectively. This will be achieved through in house training and cascading of financial briefings throughout the year.

B8 Directors shall ensure that specific duties and responsibilities in financial matters are made clear to individual officers and that these are properly recorded. This includes ensuring that financial information is made available to the CFO to enable accurate

and timely monitoring and reporting of comparisons of national, regional and local financial performance indicators.

- B9 All officers, but especially the statutory officers should be mindful of the 'Wednesbury' rules which emphasise the importance of ensuring that when developing policy all relevant matters are properly considered. In addition they should also be aware of other duties such as the public sector equality duty and the need to consult in certain circumstances. (See Glossary).

Financial Planning

- B10 The Head of Paid Service will ensure that there are processes in place to develop corporate priorities, a corporate strategy and directorate service plans.
- B11 The CFO will ensure that procedures are in place for an integrated financial planning process, linked to the corporate strategies and service plans.
- B12 The annual Revenue Budget, MTFs, capital programme, Treasury Management Strategy and Housing Revenue Account must be recommended by the Cabinet to Council in accordance with the statutory timetable. The Council must agree the final Revenue Budget and Council Tax prior to the 10th March each financial year.

Medium Term Financial Strategy (MTFS)

- B13 The CFO shall ensure that there are sound medium to long term financial plans for both revenue and capital and that these are subject to regular review, including the continuing relevance of the underlying assumptions.
- B14 The CFO shall determine the format of the Medium Term Financial Strategy to be presented to the Authority, in consultation with the Head of Paid Service. The format is to comply with all legal requirements and with latest guidance issued by the Chartered Institute of Public Finance & Accountancy ("CIPFA").
- B15 The CFO is responsible for issuing financial planning guidance, co-ordinating the MTFs process, ensuring that it is integrated with service planning and that there is effective consultation with Members, officers and other stakeholders. The CFO is ultimately responsible for ensuring that a lawful budget is approved by Council.
- B16 It is unlawful for an authority to set a deficit budget. Under section 25 of the Local Government Act 2003 the CFO is responsible for advising the Cabinet and the Council on the robustness of the budget and on the adequacy of the levels of reserves.
- B17 The CFO, in consultation with Directors, is responsible for providing timely advice on the available funding options for the budget for a period of up to three years after the current financial year. This includes advice on central government funding, capping, general grant, fees and charges and other grants, options for borrowing and appropriations to and from reserves and use of provisions; based upon an interpretation of government funding assumptions and the information available at that time. This will include potential implications for local taxation.
- B18 The CFO will actively seek to increase and diversify the Authority's resource base, within an appropriate risk management strategy.

- B19 The CFO shall ensure that roles and responsibilities in budget development, management and monitoring are clear and that there is adequate financial advice and support to Members and officers.
- B20 Directors are responsible for responding to the guidance, meeting deadlines, drafting integrated service and financial plans, and identifying and quantifying issues and risks which have an impact on the budget over the medium term.
- B21 Directors have overall responsibility for ensuring that their proposals are robust and that they have identified all of the issues and for giving this assurance to the CFO. This will include:
- I. policy requirements approved by the Authority as part of the policy framework;
 - II. unavoidable future commitments, including legislative requirements;
 - III. initiatives already underway;
 - IV. spending patterns and pressures revealed through the budget monitoring process;
 - V. proposed service developments and plans which reflect public consultation;
 - VI. the need to deliver efficiency and / or productivity savings;
 - VII. government grant allocations and other external income; and
 - VIII. revenue implications of the draft four year capital programme;
- B22 Directors must ensure that the guidelines and associated instructions are fully cascaded through their Budget managers so that they understand and are involved in the budget setting process from the bottom up.
- B23 Given that there is likely to be a gap between available resources and required resources, Directors must ensure that spending plans are prioritised carefully.

Capital Strategy

- B24 The CFO will revise annually, in consultation with Directors, the corporate Capital Strategy within the agreed timetable. The strategy will cover a minimum of two years and should show how capital investment will be prioritised to deliver the Authority's objectives and priorities. The CFO will seek approval from Cabinet to recommend to Council the Capital Strategy.
- B25 Directors will contribute to the development of the Capital Strategy within the corporate deadline and will ensure it is consistent with Directors' other plans and strategies.

Annual Revenue Budget Preparation and Approval

- B26 The budget is the financial expression of the Council's plans and policies. The Council has adopted an integrated planning framework to ensure that the corporate plan and MTFs are developed in tandem.
- B27 The format of the annual budget determines the level of detail to which financial

control and management will be exercised and shapes how the virement rules operate. The general format of the Budget will be approved by the Council on the advice of the CFO. The proposed budget will include allocations to directorates at service level, proposed taxation levels, contingency funds, provisions and allocations to reserves and balances.

- B28 The Executive must before 31st January each year approve the Council tax base and calculate the estimated level of non-domestic rates (NDR) it anticipates to collect for the following financial year. The CFO will inform MHCSB, precepting and levying bodies of the approved Council tax base and NDR income.
- B29 By 15th January each year the CFO will determine the probable Collection Fund surplus or deficit for the year, notify precepting bodies, and report to the Executive before the 31st January, or such other date as is specified in legislation.
- B30 The Executive will make recommendations to the Council regarding the annual budget for the following financial year and the Council tax required to finance it, including any prudential borrowing.
- B31 At a meeting on or before 10th March each year, the Council will approve the budget and any prudential borrowing proposal and set the resulting Council tax for the following financial year.

Format of the Annual Budget

- B32 The format of the budget determines the level of detail to which financial control and budget management will be exercised.
- B33 The CFO will:
- I. advise Members on the format of the budget to be proposed by the Executive to be approved by full Council in accordance with statutory requirements. The draft budget should include allocations to different services and projects, proposed taxation levels and contingency funds; and
 - II. determine the detailed form of revenue and capital estimates and the method for their preparation. They shall be consistent with the approved budget.
- B34 Directors will comply with the guidance issued by the CFO and provide the information required to produce a balanced budget, in the format and to the timescales specified.

Budget preparation

- B35 The CFO is responsible for ensuring that a revenue budget is prepared on an annual basis and consistent with the MTFs, before submission to the full Council.
- B36 The full Council may amend the budget or ask the Executive to reconsider it before approving it.
- B37** The CFO is responsible for issuing guidance on the general content of the budget as soon as possible following approval by full Council. This will ensure that:
- I. the Budget format will be consistent with statutory and CIPFA guidance and will

be on a Total Cost basis. All expenditure budgets and revenue costs must be gross, and not reduced by any income, even where the income is in respect of a successful insurance claim or other reimbursements or abatements of expenditure;

- II. a Corporate Budget Book is issued at the start of each financial year at an appropriate level of detail; and
- III. the revenue budget will be presented and approved at Directorate level by full Council following the recommendation by the Cabinet and having considered the advice of the CFO. This will determine the level of detail to which financial control and management can be exercised.

B38 It is the responsibility of Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the CFO.

Preparation of the Capital Programme

B39 Capital expenditure, involves the acquisition, creation or the significant enhancement of non current assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment, vehicles or intangible assets such as IT systems or software licences. Capital assets shape the way services are delivered for the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

B40 Any expenditure on a single capital item, or a group of similar items within a financial year, that totals less than the capital de minimus outlined in Section F, is to be treated as revenue.

B41 The CFO is responsible for:

- I. producing an annual capital strategy for Cabinet to recommend to Council;
- II. setting up procedures under which capital expenditure proposals are evaluated and appraised to ensure that value for money is being achieved;
- III. ensuring that a Medium-Term Capital Programme is prepared and updated annually which is derived from the Capital Strategy, the Asset Management Plan, and the evaluation process;
- IV. that the capital programme is consistent with corporate, service and asset management objectives and priorities;
- V. that there is a robust process for scrutinising the capital schemes to be added to the capital programme;
- VI. that the programme is fully funded and is affordable and sustainable in accordance with the Prudential Code;
- VII. setting up procedures for corporate monitoring of all sources of capital funding;
- VIII. that the tax implications of significant capital schemes are considered, including the impact on the Council's VAT partial exemption calculation, any stamp duty

land tax (SDLT) and Corporation Tax on profits from Council trading companies;
and

IX. that the revenue implication of capital schemes is included in the Budget and MTFS.

B42 The inclusion of a scheme in the approved Capital Programme does not imply automatic approval to spend. These schemes are subject to meeting further criteria relating to the objectives, cost or funding confirmed through the governance process at the Capital Forum. Directors must ensure that all necessary levels of approval have been obtained before projects proceed in accordance with the scheme of approval and delegation set out at Section F

B43 Directors are responsible for ensuring that where a project is dependent on external funding, it must not proceed until there is confirmation that this has been secured and the grant conditions can be met.

B44 In all cases Directors must follow the Contract Procedure Rules before expenditure is incurred.

Budget Amendment

B45 Approved revenue budgets, may be amended during a financial year in the following circumstances:

- I. virements in accordance with the Scheme of Approval (Section F);
- II. under-spends approved for carry forward from previous years in accordance with Financial Regulations;
- III. supplementary requests from General Fund reserves or the Council Contingency Funds with the approval of the Portfolio Holder with Responsibility for Finance or full Cabinet; and
- IV. grants, in accordance with the Scheme of Virement.

B46 Where the responsibility for a service is transferred from one directorate to another, the CFO will transfer the appropriate resources in consultation with the relevant chief officer(s) and report to Cabinet.

B47 Capital grants are shown in relation to the capital programme. Revenue grants should be included within the revenue budget in relation to the financial year that the grant is received in.

B48 Additions in year to the Capital Programme

- I. Up to £5 million - Additional capital spending can be approved by Cabinet on specific projects where :-
- II. the expenditure is wholly covered by additional external sources; and
- III. the expenditure is in accordance with at least one of the priorities listed in the capital programme; and
- IV. there are no full year revenue budget effects

- V. The additional capital spending agreed by Cabinet in one financial year cannot exceed £20 million`.

Scheme of Virement

- B49 A virement is a planned movement of resources between approved budgets that leaves the Authority's overall revenue and capital budget unchanged. Ad-hoc virements during the year are generally discouraged, especially where they relate to temporary adjustments. The financial Limits for the Scheme of Virement for revenue and capital expenditure are outlined in Section F and are intended to enable the Directors to manage their service budgets with a degree of flexibility within the overall policy framework determined by the Authority.
- B50 The published budget book is used for determining the service level and analysis of type of expenditure to which making changes constitute virement in relation to revenue. The capital programme agreed at Council is the level to which changes made constitute virement in relation to capital.
- B51 Technical budget changes do not require virement. Examples of these are Support Service Charge changes and Capital Financing Charge changes, where there is no service or overall financial impact
- B52 The exceptions to the above framework that are not allowed are:
- I. provisions included within departmental budgets on the instructions of the CFO, e.g. insurance, capital and depreciation charges, leasing costs, transfer payments, central support service recharges and revenue expenditure funded from capital etc., can only be vired by the CFO;
 - II. virement between capital and revenue;
 - III. virements between an income budget line and an expenditure budget line require the approval of the CFO, as they change the revenue commitments of the Authority;
 - IV. budget variances that apply to the current year only. These should be reported as a Variance in the monthly forecast; and
 - V. between salaries and non-salaries budget heads unless supported by an approved amendment to the establishment.
- B53 For the purposes of the financial limits outlined in Section F virements between the budget heads within the same financial year must be aggregated to determine the appropriate approval limit.

Budget Monitoring and Control

- B54 The CFO is responsible for providing appropriate financial information to enable budgets to be monitored effectively and for presenting consolidated monitoring reports to the Executive on a regular basis.

Overview and Control

- B55 Budget management is a continuous process that ensures the approved resources are used for their intended purpose and are properly accounted for, subject to virement rules. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- B56 The Authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each budget manager is required to manage expenditure within their budget allocation, subject to the rules of virement.
- B57 Management of budgets must not be seen in isolation but in conjunction with service outputs and performance measures, which bring together financial and non-financial information in a meaningful way.

Revenue Budget Monitoring

- B58 The CFO has overall responsibility for ensuring that there are appropriate systems in place to ensure that relevant, accurate, complete and timely budgetary control information is received by budget managers, Directors and Members. The process will include reporting the revenue budget and capital programme financial position internally and to Cabinet on a regular basis.
- B59 Directors must ensure that there is a clear allocation of responsibility for revenue budgets at cost centre level and capital schemes within their areas. Budget responsibility should be aligned as closely as possible to the decision making that commits expenditure.
- B60 Directors and Budget managers (as appropriate) have authority to incur expenditure on the approved policies and activities of the Council where financial provision exists in the approved budget for the year. The Scheme of Delegation is included at Section F. It sets out the limits for authorising financial transactions. Directors should ensure that they properly record any local delegations specific to their service area.
- B61 Directors are responsible for ensuring that they manage expenditure within the total net budget for their services. Budget managers are responsible for monitoring their budgets and forecasting future spending on a monthly basis by using My4Cast via the SAP system. Overspends and underspends relative to the approved budget should be formally reported as soon as they are known and closely monitored. The budget monitoring process will ensure that CLT receives on a monthly basis updates on budget v actual to date with forecasts of potential over / underspends. At the same time corrective action to be taken by Budget managers should be identified. Budget monitoring should reflect the level of risk associated with particular budgets.
- B62 Directors and Budget managers should monitor and report on significant and overall income performance at each monthly reporting interval with the same rigour as applied for expenditure monitoring. Income should be tracked each month to ensure overall income forecasts are likely to be met and to respond to any changes in income with either service or charge alterations.

Capital Monitoring

- B63 The CFO is responsible for the preparation, review and monitoring of the capital programme. The CFO must ensure that all capital proposals are supported by option appraisals; robust costed business cases including whole life costing in accordance with proper governance arrangements.
- B64 Changes to the approved programme must be reported to Cabinet for approval in accordance with the Scheme of Delegation (Section F).
- B65 Directors are responsible for supplying accurate capital forecasts in the manner and to the timetable determined by the CFO, which identify and explain variances and clearly identify slippage.
- B66** Corporate Directors must inform the Director of Finance of any capital expenditure on schemes where it becomes necessary to take the decision to abort that scheme. The Director of Finance will then report to the Build a Better Harrow Board of any such scheme and on recommendation of that Board the expenditure incurred will be reclassified from capital to revenue expenditure. The delegated authority limits are shown in Section F.

Carried Forward Balances

- B67** A year-end balance is the amount by which actual income and expenditure varies from the final budget, normally identified down to budget manager level. Unspent balances will not be carried forward, except with the permission of the CFO. Unspent balances will only be considered for carry forward where:
- I. There is an unspent ring fenced grant and the grant must be repaid if it is not spent on its intended purpose.
 - II. Funding has been allocated to a specific project and the project is not yet complete, and both the directorate and the Council in total are not overspent.
 - III. External funding has been received for a specific project which is not yet complete

- B68 All other commitments will have to be accommodated within the new year budget.

Statement of Accounts

Responsibilities of the CFO

- B69 The CFO is responsible for the preparation of the Authority's Statement of Accounts for each financial year ending 31st March, within the statutory deadline, in accordance with proper accounting practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC),

In addition to complying with the local authority code, the CFO is responsible for:

- I. Selecting suitable accounting policies and then applying them consistently;

- II. Making judgements and estimates that are reasonable and prudent;
- III. prepare, sign and date the Statement of Accounts, stating that it presents fairly the financial position of the Authority at the accounting date and its income and expenditure for the financial year just ended; and
- IV. publish the approved and audited accounts of the Authority each year, in accordance with the statutory timetable;

- B70 To ensure detailed guidance and timetable for final accounts is issued to Directors and Budget managers as appropriate each year to ensure that the relevant information is collected and that the statutory deadline is achieved.
- B71 The CFO will ensure that the accounts are subject to external audit, to provide assurance that the accounts have been prepared properly, that proper accounting practices have been followed and that high quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.
- B72 The Governance, Audit, Risk Management & Standards Committee ("GARMS") has specific responsibility for approving the statutory Annual Statement of Accounts.

Accounting Records and Returns

- B73 Directors shall be responsible for ensuring that records are carefully and systematically filed and retained for inspection by the CFO, Internal and External Audit or Government agencies (e.g. HM Revenue and Customs).
- B74 Accounting records (see Glossary for detail) should be retained for a period of 6 years plus the current financial year, unless otherwise instructed by the CFO. The advised minimum periods for the retention of financial records are set out below:
- I. mortgages, bonds, stocks and other holdings, insurance, contracts, pension information and transfer values should be held indefinitely;
 - II. PFI contracts should be retained for the period of the contract plus 12 years; and
 - III. other contract documents including the final account where the contract is under seal should be retained for 12 years.

Finance Comments on Reports

- B75 The CFO is responsible for monitoring the quality of the financial implications information included within Committee Reports, Scrutiny reports and other formal reports by Directors and providing financial comments where there are implications such as corporate revenue or capital resources requirements. The Director of Finance may delegate this responsibility to the Deputy S151 officer and respective Finance Business Partners (FBP's).
- B76 Directors are responsible for ensuring:
- I. suitable options appraisal are carried out in relation to all significant policy issues;

- II. that financial implications in the current and future years are identified in all relevant reports and that such financial implications are agreed by the CFO and are in accordance with virement rules. The Director of Finance may delegate this responsibility to the Deputy S151 officer and respective Finance Business Partners (FBP's);
- III. that where reports impact on other directorates or have implications for corporate resources, financial implications comments are requested from them and / or the CFO sufficiently in advance of reporting deadlines; and
- IV. the financial implications in reports are reflected in current budgetary provisions and in the agreed Budget and MTFS.

Section C. Corporate Governance, Risk Management and Control of Resources

- C1 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing risk to the authority. This process should be integrated with the Financial Planning and Business Planning process.

Treasury Strategy

- C2 The CFO will ensure that a Treasury Strategy is prepared, formally agreed in line with the Constitution and published annually before 31st March. The strategy will comply with statutory regulation, including that issued under section 15(1)(a) of the Local Government Act 2003 and the CIPFA Treasury Management Guide. In particular:
- I. the investment priorities should be security and liquidity. Yield should be considered but only within the properly established security and liquidity levels;
 - II. the Investment Strategy should go to full Council at the start of each year and reviewed mid-year, or more often should market conditions require it;
 - III. it should comment on the use of credit ratings and of any additional sources of information on credit risk;
 - IV. it should comment on the use of treasury management advisers;
 - V. it should contain the training programme for officers and Members;
 - VI. strategies should comment on the investment of money borrowed in advance of spending need; and
 - VII. it will include a policy in regard to Minimum Revenue Provision.

Pensions Governance

- C3 The Administrating authority (the 'Council') is responsible for investing on behalf of employees, ex-employees and pensioners. It is essential that the use of these finances is properly planned and controlled to provide maximum benefit to the Pension Fund whilst not exposing those finances to undue risk.
- C4 The CFO must ensure that a Funding Strategy Statement is reviewed annually and published.

Asset Management Plan

- C5 The Corporate Director of Community is responsible for corporate asset management, apart from Housing assets which are the responsibility of the Asset Management team within Community Directorate.
- C6 They should maintain adequate asset management plans (AMPs) for Schools, Housing and Highways. These plans should show the number and value of the assets held, how assets are used and whether they are operational or non-

operational, running costs, the condition of assets and the maintenance required. The plans will inform the Council's capital and revenue budget strategy and disposals policy.

- C7 The CFO must ensure that the Asset Management Plans are supported by detailed asset registers and accurate valuations. The registers are used as a day to day management tool and to provide information for the Council's accounts and insurance purposes.
- C8 Directors must ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place in line with Corporate Policy. Directors must supply the information required by the CFO.
- C9 Budget managers are responsible for ensuring that all assets in their control are appropriately maintained, clearly identified and marked as property of the Council where appropriate. No Council asset should be subject to personal use by an employee without prior authorisation from the appropriate Chief Officer.

Projects and Programmes

- C10 Directors are responsible for ensuring that programmes are conducted using the Council's project and programme management process. Business cases should be developed and approved for all projects and programmes in accordance with the agreed corporate template and approval process.
- C11 Directors must obtain the agreement of the CFO as to the expenditure and funding for all new schemes not included in the approved budget or capital programme and submit to Cabinet for approval. See Section F.
- C12 Property leases may constitute a capital liability. Directors shall notify the CFO of all proposed property leases or renewals before any agreement is made and these shall be included in the proposed capital programme. Any lease with a value, or term, above the limits set out in Section F must be approved by Cabinet.
- C13 Directors must not enter into credit arrangements, such as leasing agreements, without the prior approval of the CFO and, if applicable, approval of the scheme should be included as part of the capital programme.
- C14 The CFO shall be responsible for the evaluation and arrangement of all capital financing facilities. This excludes the short term hiring of equipment for periods of less than 12 months.
- C15 Budget managers must take appropriate advice from Finance and Legal before entering into a lease agreement.

Contingent Asset and Liabilities

- C16 Directors must inform the CFO of any potential contingent assets and contingent liabilities.

Maintenance of Provisions and Reserves

- C17 Provisions are held against present obligations (liabilities) of uncertain timing that can reasonably be estimated. If the event itself rather than the timing is uncertain then it would be a Contingent Liability or Asset.
- C18 Any sum set aside that is not a provision, is a reserve. Reserves can be Earmarked Reserves set aside for specific policy purposes or General Reserves, set aside for purposes such as general contingencies and cash flow management.
- C19 The CFO is responsible for advising on prudent levels of reserves for the Council when the annual budget is being considered, having regard to assessment of the financial risks facing the authority and the views of the external auditor.
- C20 The CFO must make an annual statement on the adequacy of general reserves and provisions.
- C21 All contributions to, and appropriations from, General Fund reserves must be approved by the Portfolio Holder with Responsibility for Finance, subject to any limitations set by the Council in the approved budget framework.
- C22 The CFO can establish earmarked reserves. The CFO is responsible for ensuring that detailed controls are established for the creation of new reserves and provisions and any disbursements therefrom. This should include:
- I. the reason for the reserve;
 - II. how and when it can be used;
 - III. the responsibilities for their management and reporting in the Medium Term Financial Strategy and annual budgets; and
 - IV. the timescale for review, at least annually, to ensure adequacy.
- C23 Directors must inform the CFO of any future liabilities that have been incurred and may need to be accounted for.

Reporting Key Decisions

- C24 The definition and rules concerning Key Decisions are to be found in Article 13 of the Constitution.

Risk Management and Risk Strategy

- C25 All organisations face risks to their people, property, finances, services, reputation and continued operations. Whilst risk cannot be eliminated altogether, risk management provides a planned and systematic approach to the identification, evaluation and control of risk. It is an integral part of good business practice and is essential to the Council achieving its objectives, securing its assets and to ensuring continued financial and organisational wellbeing.
- C26 Regulation 3 of The Accounts and Audit (England) Regulations 2015 specifically requires that the “a relevant authority must ensure that it has a sound system on internal control which a) facilitates the effective exercise of it’s functions and the

achievement of its aims and objectives; b) ensures that the financial and operational management of the authority is effective and c) includes effective arrangements for the management of risk”

- C27 The Head of Paid Service in conjunction with the Head of Internal Audit is responsible for preparing and promoting the Authority’s risk management policy and strategy, securing the endorsement of the Council, and maintaining the Corporate Risk Register and other risk registers and risk analyses as appropriate.
- C28 Directors are responsible for ensuring that there is a continuous review of exposure to risk within their departments, maintaining detailed Risk Registers and action plans, and maintaining Business Continuity Plans. It is essential that risk management is integrated into business processes in line with corporate guidelines. These processes include budget preparation and integrated service and financial planning, budget monitoring and performance management, programme and project management, procurement and contract management.

Business Continuity and Disaster Recovery

- C29 The Head of Paid Service will establish and regularly test comprehensive business continuity and disaster recovery procedures to deal with the consequences of events and minimise potential disruption.
- C30 Directors will ensure that controls are in place to minimise the likelihood of the risk occurring and / or minimising its potential impact through regular inspection and continuous monitoring of identified key risk areas.

Insurance

- C31 The Council maintains insurance cover to deal with the financial consequences of any incident which may give rise to a claim being made by / against the Council or result in financial cost or loss which may not otherwise be provided for. The extent to which the Council “self insures” is informed by the perceived risk and the Council’s claims history.
- C32 The CFO is responsible for effecting corporate insurance cover, through external insurance and internal funding, and negotiating all claims in consultation with other officers, where necessary.
- C33 Directors should
- I. notify the CFO immediately of any loss, liability or damage that may lead to a claim being made by / against the Council and take appropriate action to prevent a repeat loss;
 - II. inform the CFO of all new risks, ventures, properties or vehicles that may require insurance, and of any alterations or disposals affecting existing insurances;
 - III. ensure that claims against insurance policies are made promptly and comply with the timescales for investigating claims and the insurer’s conditions;
 - IV. ensure that before any contract for works is made, that adequate insurance cover is furnished by the contractor in respect of any act or default;

- V. ensure that procedures are in place to identify Contingent Liabilities, which are doubtful events that may represent a charge to the Authority at a future date, and ensure that these are recorded in a note to the annual accounts;
- VI. ensure that employees, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim. Failure could directly affect the Authority's ability to make or defend a claim or could result in financial penalties being imposed on the Authority; and
- VII. consult the CFO and seek legal advice on the terms of any indemnity that the Authority is requested to give.

Internal Controls

- C34 Internal controls are systems put in place by management to mitigate risk, increase the likelihood that the Authority's objectives are met and to safeguard the Authority's staff, assets and interests.
- C35 Internal controls must be reviewed on a regular basis by management. Control systems should provide for clarity of policies, objectives, targets, responsibilities and accountabilities, and appropriate authorisations and approvals, separation of duties, level of internal check, management information and physical safeguards.
- C36 The CFO will ensure that the Authority's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.
- C37 The CFO will ensure that effective internal controls are an integral part of the Authority's underlying framework of corporate governance and that they are reflected in its local code, ensuring that clear Financial Regulations exist.
- C38 The CFO in conjunction with the Monitoring Officer and the Head of Internal Audit is responsible for assisting the authority in putting in place an appropriate control environment and effective internal controls that comply with all applicable statutes, regulations and codes of practice.
- C39 Regulation 6 (1) (b) of The Accounts and Audit (England) Regulations 2015 require the authority to prepare an Annual Governance Statement. The statement will be prepared following an annual review of governance and include a description and evaluation of the internal control environment, the review process, and identify any significant gaps in governance. It must include a statement that the Authority's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government. There should be an action plan to address any significance governance gaps and a report on progress on the issues identified in previous years. The Governance, Audit, Risk Management & Standards ("GARMS") Committee should seek to satisfy itself that it has obtained sufficient, relevant and reliable evidence to support the disclosures made and that statutory guidance has been followed.
- C40 The Governance Statement should be approved at a meeting of the Authority or delegated committee (GARMS) and signed by the Head of Paid Service and the Leader.

C41 Directors are responsible for establishing, maintaining, monitoring and reporting on systems of internal control which guard against risk and promote the achievement of objectives. On an annual basis they are required to complete a Management Assurance Statement, in the format and timescale specified the Head of Paid Service, of the Council. The statements and supporting evidence will be independently reviewed by Internal Audit, evaluated by the Corporate Governance Group and results fed into the Council's Annual Governance Statement.

Internal Audit

C42 Section 151 of the Local Government Act 1972, requires that the Authority 'makes arrangements for the proper administration of their financial affairs. Further specific arrangements are detailed in Regulation 5 of The Accounts and Audit Regulations 2015 in that a 'relevant body must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards and guidance'.

C43 Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps the organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management; control and governance processes.

C44 The internal audit service must be free from interference in determining the scope of internal auditing, performing work and communicating results. The Head of Internal Audit must disclose such interference to the Corporate Leadership Team (CLT) and GARMS Committee and discuss the implications.

C45 The CFO must develop and maintain an effective Audit Committee (for Harrow this is the GARMS).

C46 Internal audit is an important independent internal scrutiny activity. The CFO must support the Authority's internal audit arrangements and ensure that the Authority's Audit Committee (GARMS) receives the necessary advice and information, so that both functions can operate effectively.

C47 The CFO must ensure an effective internal audit function is resourced and maintained.

C48 The Head of Internal Audit is the officer responsible for effectively managing the internal audit activity in accordance with the internal audit charter and the Public Sector Internal Audit Standards' Definition of Internal Auditing, the Code of Ethics and the Standards. The Head of Internal Audit:

- I. must periodically review the internal audit charter and present it to the Corporate Leadership Team (CLT) and GARMS Committee for approval;
- II. must have direct and unrestricted access to senior management, CLT and the GARMS Committee to achieve the degree of independence necessary to carry out the responsibilities of the internal audit service and must report functionally to the GARMS Committee. The Head of Internal Audit must also establish effective communication with, and have free and unfettered access to, the Chief Executive Officer and the Chair of the GARMS Committee. In addition the Head of Internal Audit should report to a level within the organisation that allows the

internal audit activity to fulfil its responsibilities. The Head of Internal Audit must confirm to the GARMS Committee, at least annually, the organisational independence of the internal audit activity;

- III. must effectively manage the internal audit activity to ensure it adds value to the organisation;
- IV. must establish risk-based plans to determine the priorities of the internal audit activity, consistent with the organisation's goals;
- V. must communicate the internal audit activity's plans and resource requirements, including significant interim changes, to CLT and the GARMS Committee for review and approval. The Head of Internal Audit must also communicate the impact of resource limitations;
- VI. must ensure that internal audit resources are appropriate, sufficient and effectively deployed to achieve the approved plan;
- VII. must report periodically to CLT and the GARMS Committee on the internal audit activity's purpose, authority, responsibility and performance relative to its plan and on its conformance with the Code of Ethics and the Standards;
- VIII. must deliver an annual internal audit opinion and report that can be used by the organisation to inform its governance statement. This opinion must conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.
- IX. Where the Head of Internal Audit has or is expected to have roles and / or responsibilities that fall outside of internal auditing, safeguards must be in place to limit impairments to independence or objectivity.

C49 Internal Auditors and Corporate Anti-fraud Investigators have the authority to:

- I. access Authority premises at reasonable times;
- II. access all assets, records, documents, correspondence and control systems;
- III. receive any information and explanation considered necessary concerning any matter under consideration;
- IV. require any employee of the authority to account for cash, stores or any other authority asset under his or her control;
- V. access records belonging to third parties, such as contractors, when required (third party contracts should specify access rights); and
- VI. direct access to senior managers and elected Members where appropriate.

C50 Managers are required to notify the Head of Internal Audit of new areas of risk / major projects which may need to be subject to audit review or proactive audit input e.g. when considering or implementing alternative delivery vehicles, significant procurement, reorganisations impacting on control or governance arrangements, redesign of systems or new systems.

- C51 Managers must ensure that internal auditors are given access at all reasonable times and in a timely manner to premises, personnel, documents and assets and provided with information and explanations that the auditors consider necessary for the purposes of their work.
- C52 Managers are also required to consider and respond promptly to recommendations in audit reports, ensure that agreed actions arising from audit recommendations are carried out in a timely and efficient fashion and in line with the timescale agreed with the Head of Internal Audit, and report on progress.

External Audit

- C53 The basic duties of the external auditor are defined in the Local Government Act 1999 and the Audit Commission's Code of Audit Practice. These require the auditor to review and report upon:
- I. the Council's Statement of Accounts;
 - II. whether the Council has made proper arrangements for securing financial resilience and
 - III. whether the Council has proper arrangements for securing economy, efficiency and effectiveness.
- C54 The CFO in conjunction with the Head of Paid Service advises on the development of the Annual Audit Plan, leads on any negotiations related to the annual audit fee and advises the Cabinet and Directors on their responsibilities in relation to external audit and issues arising from the Annual Audit and Inspection Letter.
- C55 Directors are required to ensure that external auditors are given access at all reasonable times to premises, personnel, documents, and assets, and provided with information and explanations which the external auditors consider necessary for the purposes of their work, in the timescales required.
- C56 Directors are also required to consider and respond promptly to recommendations in external audit reports, ensure that agreed actions arising from external audit recommendations are carried out in a timely and efficient fashion and in line with the timescale agreed with the external auditor, and report on progress.

Preventing Fraud, Bribery and Corruption

- C57 The Council is responsible for substantial public funds and other assets and has a duty to demonstrate the highest standards of probity and stewardship in the day to day management of its affairs. It is therefore essential to develop and maintain an anti-fraud culture and to create a working climate in which all staff and elected Members remain alert to the potential for fraudulent or corrupt behaviour against the Council from inside or outside the organisation and are aware of the mechanisms available for the confidential reporting and investigation of any reported instances.
- C58 The key controls regarding the prevention of financial irregularities are that:
- I. the Head of Paid Service will ensure a formal code of conduct is established and widely publicised and, as part of this, a Register of Interests is maintained and the receipt of hospitality and gifts covering both Members and officers in accordance with

any relevant statutory code of conduct;

- I. the Head of Paid Service will ensure that the fraud risk register is established and reviewed at least annually and maintained by the Directorates with support from the Corporate Anti Fraud Team / Internal Audit so that significant fraud risks are identified, mitigated with robust controls and fraud prevented where possible;
- II. the Public Interest Disclosure Act 1998 (PIDA) protects workers who 'blow the whistle' about malpractice or wrongdoing within an organisation. The Monitoring Officer will maintain and make available a whistle-blowing policy and procedures that enables workers, as defined in the policy, to make allegations of fraud, misuse and corruption in confidence, and without recrimination, in accordance with the policy. All such allegations are diligently and robustly investigated;
- III. the CFO is responsible for implementing appropriate measures to prevent and detect fraud and corruption including ensuring that the Authority has an effective anti-fraud and corruption strategy and fraud response plan consistent with legislation including the Bribery Act 2010, the Public Interest Disclosure Act 1998 and the Freedom of Information Act 2000;
- IV. the CFO and management are responsible for ensuring internal control systems exist which minimise the risk of fraud and corruption occurring;
- V. the CFO is responsible for the Corporate Anti-Fraud Team and ensuring that effective procedures are in place to identify fraud and investigate promptly any suspected fraud. The team investigates cases of both internal fraud and external fraud and is responsible for delivering an annual risk based programme of counter fraud work, the progress of which is reported twice yearly to CLT and GARMS.

- C59 Council employees and Members have a duty to report to the Authority any impropriety, bribery, breach of procedure or failure of the manner in which services are being provided without fear of recrimination (Code of Conduct). This includes a duty to report a suspected breach of the Council's Contract Procedure Rules and Financial Regulations.
- C60 Directors are required to ensure that their policies comply with Council's Contract Procedure Rules and Financial Regulations and that staff are trained where appropriate and adopt suitable compliance and disciplinary measures.
- C61 Directors must ensure that where financial impropriety is discovered or suspected, the CFO and the Head of Internal Audit are informed immediately and take all necessary steps to prevent further loss and to secure records and documents against removal or alteration. Suspected fraud should be reported to the Corporate Anti Fraud Team. Directors must ensure the full co-operation of senior management in any investigation and instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- C62 Officers and Members must ensure that they comply with all of the Council's codes, protocols and procedures particularly the Officers' Code of Conduct, its procurement practices and its anti-fraud and corruption policies.

Money Laundering

- C63 Money laundering involves the 'cleaning' of illegal proceeds through legitimate transactions, usually cash, in order to disguise their criminal origin.
- C64 Local Authorities must be mindful of the Money Laundering Regulations, 2007 SI 2007/2157. There is substantial reputational risk for an authority which does not have money laundering policies and procedures in place and they have a duty of vigilance to prevent the financing of terrorism and money laundering.
- C65 The Council enters into thousands of transactions every day and could be subject to money laundering attempts when accepting payments by cash, cheque or credit / debit cards for instance in relation to the purchase of a council house, the payment of substantial bills, or receiving an overpayment in cash which is then refunded by cheque.
- C66 The CFO will:
- I. ensure that processes are in place to identify and appropriately train staff most likely to be exposed to money laundering of the organisations and their own obligations under Proceeds of Crime Act 2002 (POCA) to detect and report suspicious activity;
 - II. establish procedures to preclude the acceptance of cash sum or series of sums (in coin, notes or travellers cheques) in respect of goods that in total are more than the maximum allowed for any single customer account per annum in Section F;
 - III. maintain a written Anti- Money Laundering Policy; and.
 - IV. ensure officers are aware of the Anti-Money Laundering Policy and are appropriately trained in identifying where and how such circumstances arise, and where to report any such cases.
- C67 All staff have a duty to report any suspicions to the Money Laundering Reporting Officer (currently the CFO) or their deputy. There is a template for reports attached to the policy. It is very important that in the process of reporting nothing is done to tip off anyone connected with the transaction.
- C68 Directors and managers will ensure that staff who regularly accept payments, or administer payments or the Council's bank accounts receive training on money laundering. It is the responsibility of the CFO to ensure that these staff are identified and trained.

Proceeds of Crime

- C69 The relevant Corporate Director in consultation with the Monitoring Officer and the CFO is authorised to institute investigations under the POCA on behalf of the Council. Advice should also be sought from the Corporate Anti Fraud Team.
- C70 The relevant Corporate Director will ensure that in relation to POCA investigations all statutory guidance is followed, including ensuring there is an appropriate, accredited financial investigator engaged.

- C71 Prosecutions under POCA must be authorised by the Monitoring Officer in consultation with the CFO. The code of conduct for prosecutors must be followed.
- C72 Awards made to the authority under POCA incentive schemes or from asset recovery shall be applied first to the Authority's costs in relation to the related investigation and prosecution and any statutory charges. The balance shall be used as determined by the MTFs and any statutory limitations.

Security of Assets

- C73 The Authority holds valuable assets in the form of property, vehicles, equipment, furniture and other items. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.
- C74 The CFO will ensure an up-to-date Asset Register is maintained to enable sound fixed asset accounting and asset management.
- C75 The Monitoring Officer will ensure a corporate property database is maintained containing the details of all council properties to support land and property management.
- C76 The Corporate Director of Place will ensure a terrier is maintained to identify all the land and property holdings of the Council recording the location, extent, plan, purchase details, nature of the interests, tenancies granted, charges held, rents payable and purpose for which held.
- C77 Service Managers issued with a pool of IT equipment will be responsible for the security of that equipment. Where staff members leave the manager must ensure the prompt return of any IT equipment held by the leaving officer.

Inventories

- C78 Inventories must be maintained by Directors for portable, high value items above the de minimus in Section F. The inventories shall contain an adequate description of the asset including where relevant, the model number, serial number and location and its estimated value.
- C79 Directors are required to check the existence of a random sample of inventory items on an annual basis.

Stocks and Stores

- C80 Directors are responsible for:
- I. ensuring that stocks of goods and materials are held at a level appropriate to the business needs of the Council, and that stock levels are checked regularly and as a minimum as part of year end annual stock take procedures;
 - II. ensuring that adequate arrangements are in place for their care and custody; and
 - III. writing off the value of obsolete stock in their Departments in accordance with the procedures.

Intellectual Property

C81 Intellectual property is a generic term that includes inventions and writing. Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. Breaching copyright laws exposes the Council to financial risk.

Responsibilities of Directors

C82 To put controls in place to ensure that staff do not carry out private work in the Council's time and that staff are aware that anything they create during the course of their employment, whether written or otherwise, belongs to the Council.

C83 To comply with the copyright, designs and patent legislation and, in particular, to ensure that:

- I. only licensed software is installed by the authority and used on its computers,
- II. staff are aware of legislative provisions, and
- III. in developing systems, due regard is given to the issue of intellectual property rights.

Asset Disposal

C84 Assets that are surplus to service requirements or are not cost effective to retain should be disposed of safely, for the best price. Disposal should be in accordance with national legislative requirements for health and safety and waste disposal and the European Waste Electrical and Electronic Equipment Directive.

Land and Buildings

C85 The Corporate Director of Place is responsible for all disposals of land and property for the General Fund and the HRA, in conjunction with the Portfolio Holder with responsibility for Finance and for identifying any revenue implications arising from the sale of assets.

C86 These Corporate Directors in conjunction with the portfolio holder for Finance have delegated authority for General Fund disposals as outlined in Section F. Anything above this limit must be reported to the Cabinet for approval.

C87 The Corporate Directors must before any disposal is agreed or negotiations begin:

- I. seek Legal advice to ensure that the disposal falls under a General Disposal Consent, Right to Buy legislation or if Secretary of State's permission is required;
- II. obtain best consideration under s123 of Local Government Act 1972;
- III. depending on the method of sale an independent valuation before sale should be obtained to ensure best consideration is achieved;
- IV. ensure that the disposal is consistent with the Asset Management Plan, that no other service requires the building and that it has formally been declared as surplus to requirements; and

- V. seek financial advice to ensure the proper accounting of capital receipts, cost of sale and tax.

Other Assets

- C88 Budget managers may seek the authority of their Chief Officer to dispose of revenue assets through sale, donation or scrapping. They must assure themselves that the assets concerned are the property of the Council (rather than a leasing company) and surplus to organisational requirements, before disposing of them. Budget managers must be able to demonstrate that value for money is obtained for every disposal and maintain adequate records demonstrating value for money, the reasons for the disposal, and that the assets are obsolete or surplus to requirements. All property, plant or equipment assets disposed of over the value shown in Section F must additionally be cleared with the CFO or their nominated representative before they can be disposed of.
- C89 Budget managers must ensure that legal and environmental issues are addressed when disposing of any assets. Budget managers should notify Facilities Management of any disposals, who will determine if the assets are surplus to requirements.
- C90 The CFO will:
- I. issue guidelines representing best practice for the disposal of assets and consistent with statutory powers including:
 - II. issuing of a receipt;
 - III. accounting and banking of the income;
 - IV. segregation of duties between those who authorise the sale and the receipt of the payment; and
 - V. adjustment to Inventory records;
 - VI. ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds in the Council's accounts; and
 - VII. Maintain a schedule of disposals above the de minimus recorded in Section F with both estimated and actual values and disposal dates.
- C91 Directors will notify the CFO of any disposals of assets above the de minimus in Section F (see Procedure Note P27 on Disposal of Assets).

Treasury Management

- C92 The Council has adopted CIPFA's Code of Practice for Treasury Management in Public Services.
- C93 The CFO is responsible for reporting to GARMS and the Cabinet at least twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. He / she is required to produce:

- I. a proposed treasury management strategy for the coming financial year before the start of each financial year;
- II. an annual report on the treasury management activity for presentation by 30th September of the following financial year; and
- III. a mid year report to Cabinet.

C94 The Council has delegated responsibility for the implementation and monitoring of its Treasury Management Policies and Practices to the CFO and for the execution and administration of Treasury Management decisions to the Treasury and Pension Fund Manager, who will act in accordance with the Council's Treasury Policy Statement and CIPFA's 'Standard of Professional Practice on Treasury Management'.

C95 The CFO will ensure that all:

- I. investments of money are made in the name of the authority or in the name of nominees approved by the full Council;
- II. securities which are the property of the authority or its nominees and the title deeds of all property in the Authority's ownership are held in the custody of the Director of Legal Services; and
- III. borrowings are in the name of the authority.

C96 Directors will not enter into any loan or credit arrangements with any party whatsoever or acquire an interest in companies, joint ventures or other enterprises whatsoever without the prior agreement of the CFO.

Pension Fund Investment

C97 The CFO will ensure that the accounting for the Pension Fund satisfies the Council's statutory obligations, including that it is accounted for separately, that only relevant costs, assets and liabilities are valued by an actuary every three years.

C98 The CFO is responsible for pension fund investment and makes recommendations to the Pension Fund Committee about the appointment of the actuary, investment adviser, and external fund managers. The CFO provides regular reports to the Pension Fund Committee on the performance of the fund and any regulatory matters.

C99 The CFO is responsible for ensuring the Council's contributions are consistent with its Pension Fund strategy and actuarial review.

C100 Approval to the making of lump sum payments and fund transfers from the pension fund will be in accordance with the schedule in section F.

Trust Funds, Funds Held For Third Parties and Other Voluntary Funds

C101 The CFO is responsible for trust funds and ensures that funds are only drawn down for the purposes intended by the Trustees and that accounts are prepared and audited each year.

C102 All trust funds, funds held for third parties and other voluntary (unofficial) funds excluding schools must be approved by the CFO. A voluntary fund is defined as any

fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council. Such funds should be separately identified but managed in line with the Council's Financial Regulations.

Banking and Imprest Accounts

C103 The CFO is responsible for opening all bank accounts and agreeing the associated mandates.

C104 The CFO is responsible for managing the banking contract and the day to day administration and reconciliation of accounts.

C105 Staff must not open accounts in the name of the Council, Members or officers unless they are acting on the instructions of the CFO. Opening an unauthorised bank account is a disciplinary offence.

C106 An imprest or petty cash account must only be used in accordance with guidance issued by the CFO (see Procedure Note P25 in section F). It is the responsibility of Directors to ensure that systems are in place to monitor and control this.

Staffing Establishment

C107 The Head of Paid Service will ensure there are in place accurate and effective systems to monitor the establishment and that the following procedures and regulations must be followed:

- I. appointments are made in accordance with HR and payroll policies;
- II. appointments are in accordance with the approved establishment and grade for the post;
- III. the organisational structure on SAP must be kept up to date;
- IV. all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, are notified promptly and in accordance with required forms, timescale and authorisation;
- V. payments are only made where there is a valid entitlement;
- VI. conditions and contracts of employment are correctly applied; and
- VII. employees names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

C108 Regulation 7 Accounts and Audit (England) Regulations 2015 places a statutory requirement on the Authority to report on the remuneration of senior employees; this is the responsibility of the CFO. The Head of Paid Service will publish pay data on senior staff in accordance with guidance and a policy statement about staff pay, including senior and lower-paid staff.

C109 The CFO will agree annually the budget to support the approved establishment. The CFO will ensure appropriate procedures are in place to amend the establishment throughout the year.

C110 Directors are responsible for controlling total staff numbers within their approved establishment. Staff can only be appointed to an approved post and within the overall budgetary provision and should not create a commitment which cannot be met in future years. Where the existing approved establishment cannot be fully funded from available budget – then an appropriate level of vacancy management in line with operational need should be exercised during the year. Where posts have been vacant for periods in excess of 12 months and are deemed not to be required, they should be deleted.

Use of Agency Staff

C111 Agency staff are temporary workers who must be obtained and paid for, through an approved agency via appropriately procured corporate contracts. Generally, agency staff should only be employed either to:

- I. cover budgeted seasonal or unusual demand periods (e.g. salting roads in winter, cleaning parks in summer);
- II. cover essential temporary establishment vacancies, where cover is unavailable and there will be an adverse service impact if the post is not filled. For example where the post holder is on long term sick or maternity leave, has been seconded, or a post is being held open pending a restructure;
- III. bring in Special Skills for a one-off project or event, or time limited role, where appropriately skilled staff are not available internally or it is not cost effective to permanently fill.

C112 The Director of HR is responsible for ensuring that:

- I. the staffing establishment on SAP is maintained;
- II. relevant employment law is complied with, including the Agency Workers Regulations, 2010; and
- III. Equal Pay regulations and case law are complied with.

C113 Directors are responsible for ensuring that all staff within their Directorates are recruited according to the corporate procedures and that there is no unbudgeted employee or agency related expenditure.

C114 Managers should give careful consideration to the employment status of individuals employed on an agency contract. HMRC applies a tight definition for employee status (IR35), and in cases of doubt, advice should be sought from the Manager responsible for Payroll and / or Legal.

Use of Consultants

C115 Directors must ensure that their staff are familiar with the Council's guidelines on use of agency workers and understand the distinction between employees, agency workers and workers on contracts for services.

C116 Where a worker is engaged on a contract for services to carry out a project which has a clear start and end date and is described in a brief or specification, and where the

worker will be taking on the risk and providing their own premises, equipment and insurance etc., then it is likely that the work will be governed by a contract for services with the Council and the worker will be paid via the Corporate Accounts Payable system through the raising of an official order and goods receipt. In these circumstances the Council's contract procedure rules should be applied. The insurance requirements must be clear in the documentation supporting the contract and evidence that the policy is in place should be obtained from the worker.

C117 Directors must ensure that where payments are to be made to workers other than through the Council's payroll system, that there is a clear justification for this and that there are no tax implications that may arise.

C118 Managers should give careful consideration to the employment status of individuals employed on a self-employed contract or subcontract basis. HMRC applies a tight definition for employee status (IR35), and in cases of doubt, advice should be sought from the Manager responsible for Payroll and / or Legal.

Section D. Financial Administration (Systems and Procedures)

D1 Systems

The CFO has statutory duties for the proper administration of the Authority's financial affairs. The CFO responsibilities are to:

- I. issue advice, guidance and procedures for officers and others acting on the Authority's behalf,
- II. determine the accounting systems, the form of accounts and supporting financial records;
- III. establish arrangements for audit of the Authority's financial affairs;
- IV. approve any new financial systems and interfaces to be introduced;
- V. approve any changes to be made to existing financial systems, including interfaces to the General ledger, Accounts Receivable and Accounts Payable; and
- VI. establish arrangements for access control and general security of the Authority's corporate financial systems.

D2 Directors' Responsibilities include:

- I. to ensure that local accounting prime records are maintained properly and held securely and only destroyed with the approval of the CFO;
- II. to incorporate appropriate controls to ensure that, where relevant:
- III. all input is genuine, complete, accurate, timely and not previously processed;
- IV. all processing is carried out in a complete, accurate and timely manner, and
- V. output from the system is complete, accurate and timely and in the format specified by the CFO.
- VI. to ensure that the organisational structure provides an appropriate segregation of duties to facilitate adequate internal controls and to minimise the risk of fraud or other malpractice;
- VII. to ensure, jointly with the Head of Paid Service, that there is a documented Recovery Plan to allow information system processing to resume quickly in the event of an interruption;
- VIII. to ensure that effective contingency arrangements, including back-up procedures, exist for computer systems;
- IX. to ensure that systems are documented and staff trained in the operation of them;
- X. to seek the approval of the CFO before changing any existing financial system or introducing new financial systems. New financial systems must not be

introduced nor changes made prior to obtaining this approval;

- XI. to ensure that authorisation limits for staff are consistent with the Authority's financial delegations as detailed in section F
- XII. to ensure the Scheme of Delegation is maintained and complied with for those authorised to act on behalf of the CFO in respect of payments, income collection and placing orders, including variations;
- XIII. to ensure that relevant standards and guidelines for computer systems are observed, including data protection legislation and that their staff are aware of their responsibilities under the legislation; and
- XIV. to ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

Chart of Accounts

- D3 The CFO is the responsible officer and owner of the Chart of Accounts. The Chart of Accounts cannot be changed without express authority from the CFO Officer or their nominee. This includes all changes to the Chart of Accounts including the addition, deletion or amendment of a:
- I. hierarchy;
 - II. profit centre;
 - III. cost centre assignment;
 - IV. cost element assignment;
 - V. sub cost centre hierarchy changes;
 - VI. cost centre closure: input or hierarchy;

Income

- D4 Directors are responsible for ensuring that there is as a minimum an annual review of fees and charges, within the strategic, financial, economic and service context after appropriate consultation; proposals for the level of fees and charges should be in accordance with guidance published by the CFO. Changes to fees and charges (at any point during the year) should be approved by the relevant Portfolio Holder and presented to Cabinet as part of the Budget and MTFS proposals.
- D5 Directors are required to hold an in depth review of each service area's fees and charges on a three-year rolling basis.

Income Collection

- D6 The Council collects substantial amounts of income (council tax, business rates, rents, service charges and fees and charges) and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly, and that VAT is correctly accounted for.

- D7 The CFO will ensure there are clear Corporate and Departmental Accountabilities for Accounts Receivable and income collection, supported by an appropriate Scheme of Delegation. Procedures for the receipt of income shall reflect the principles of separation of duties and internal check.
- D8 The CFO is responsible for the procedures, systems and documentation relating to the setting, charging, and collection of all income due to the Council. In particular the CFO will ensure that there is an overarching debt management policy and a credit policy for sundry debtors.
- D9 The CFO must satisfy him / herself with the adequacy of the arrangements for the control and safe storage of records, including electronic storage media.
- D10 The CFO will ensure that Service Directorates bear the cost of their uncollected debts through an appropriate impairment of debts, based on a realistic assessment of the chances of recovery of all debts outstanding.

Billing

- D14 Directors must ensure that the customer is provided with a clear and accurate bill for chargeable services in a timely manner or in accordance with statutory requirements.
- D15 Directors will ensure that all income due is identified and Accounts Receivable are raised via the Council's main financial system promptly, unless in the opinion of the Chief Financial Officer it is not practicable to do so.

Collection

- D16 Directors will ensure that wherever possible and appropriate, payment is received in advance of the service being offered and that the use of on-line payment systems is the default payment mechanism. Direct debits should be promoted, the use of cash, cheque or telephone payments should be avoided wherever possible.
- D17 Directors will pursue all commercial debts until it is un-economic to continue to do so using agreed written procedures.
- D18 Directors will set annual collection targets and VFM measures consistent with continuous improvement, the budgeted income and the medium term financial strategy. Performance will be monitored corporately every month.
- D19 Directors will ensure that:
- I. income collection staff are appropriately trained;
 - II. any cash or cheques received by their staff are stored securely whilst in their possession and passed as soon as possible to the Cashiers, or as he or she directs, to the Authority's bank or National Giro account, and properly recorded;
 - III. there is segregation of duties between those who authorise the sale and those who receive the payment;
 - IV. all income received for goods and services provided by the authority will be accounted for in the financial year in which the service was delivered. Where no debtor has been raised before the financial year-end by the Authority then an

accrual will be set up for the estimated debtor in accordance with guidance issued by the CFO.

Uncollectable Debts and Write Offs

- D20 Once raised, no bona fide debt can be cancelled except by payment in full, its formal writing off or in the form of an adjustment under procedures agreed with the CFO.
- D21 Directors are responsible for submitting quarterly debt write-off reports where debts are considered un-collectable, to the CFO in the format specified.
- D22 The CFO is responsible for writing off irrecoverable bad debts up to the limits specified in Section F where necessary. All requests for write-off must be accompanied by a brief report in a format specified by the CFO that includes the following:
- I. a schedule of all debts to be written off, recovery action that has been undertaken and the reasons for the write-off request;
 - II. the total debt outstanding, the current bad debt provision, the amount of provision required and the remaining balance.

Grants and External Funding

- D23 External funding can be a very important source of income to Harrow. The main source of such funding for this Authority will tend to be specific government grants. Consideration needs to be given to the funding conditions to ensure they are compatible with the aims and objectives of the Authority.
- D24 Any match funding requirements and exit strategies should be given due consideration prior to any bidding exercise or entering into any agreements and resources identified for future commitments.
- D25 The Directors should consult and where required seek the approval of the CFO, the Portfolio Holder and any relevant committee on proposals to bid for external funding to support expenditure that has not already been included in the approved revenue budget or capital programme.
- D26 The Council bids for funds from a number of UK and European programmes. Each funding regime is subject to rules and regulations and the process for submitting applications and drawing down funding varies.
- D27 It is important to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the Council are clearly understood.
- D28 The CFO shall maintain a Register of Grants awarded to the Authority, which will include as a minimum the grant name, the grantor, the allocation by financial year, a brief description of the purpose of the grant, grant conditions, and the responsible officer. The CFO will ensure that Grants are properly recorded in the Authority's accounts.

D29 Directors shall:

- I. not commit to expenditure in relation to a grant, beyond the term of a grant allocation, without the permission of the CFO, and will ensure that the necessary contractual break clauses are in place at the grant review dates,
- II. ensure that all applications for funding are consistent with the Council's priorities and approve them in principle before detailed work commences;
- III. ensure that the Council's project management framework is applied and that a Project Initiation Document (start form) is completed where appropriate;
- IV. consult the relevant Directorate Finance Business Partner when preparing applications to ensure that full costs are identified including any match funding required, and ongoing commitments are taken into account;
- V. notify the CFO of all applications prior to submission;
- VI. ensure that the application is signed off by the CFO or an appropriate officer in the Directorate;
- VII. ensure that the rules and regulations for the particular funding stream are complied with at application stage and throughout the life of the project;
- VIII. ensure that all requirements relating to the delivery of outputs and spend are met in line with the approved bid or project plan;
- IX. ensure that all funding notified by external bodies is claimed and received; and
- X. check the audit requirements and notify Finance of any claims that must be audited by the Council's external auditor.

D30 Grant expenditure and income is monitored and reported as part of the monthly monitoring process. All expenditure incurred must be in accordance with the terms and conditions attached to the grant and with Financial Regulations and Contract Procedure Rules.

D31 Proper records of expenditure must be kept to allow verification of amounts claimed by the grant giving body and the external auditor.

D32 Wherever possible and appropriate staff employed to meet the grant criteria for spending should be on fixed contracts intended to be terminated when funding ceases.

Section 106 and Community Infrastructure Levy (CIL)

D33 Section 106 of the Town and Country Planning Act 1990, section 278 of the Highways Act 1980 and section 75 of the Town and Country Planning Act 1997 permits local planning authorities to enter into enforceable 'planning obligations' with landowners and / or developers. A Community Infrastructure Levy (CIL) was set out in the Planning Act 2008 and subsequent regulations.

D34 The CFO will set out proper procedures for agreeing, collecting, recording, accounting and disbursing s106 and CIL monies, in accordance with legislation.

- D35 The Divisional Director Regeneration Enterprise and Planning will record, monitor and report on all s106 or CIL receipts and payments.
- D36 Planning will notify the CFO of any agreements and will ensure that the procedures are followed. They are responsible for delivery of the agreements, including making payments and the billing and receiving of income.
- D37 The Monitoring Officer will ensure that Obligations are registered as Local Land Charges.

Ordering and Paying for Work, Goods and Services

- D38 The Authority's procedures are designed to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's Procurement Policy and Contract Procedure Rules.
- D39 Every officer and Member of the authority must declare any links or personal interests that they may have with suppliers and / or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.
- D40 Sound systems and procedures are essential for an effective framework of accountability and control. The CFO is responsible for ensuring that there are effective financial systems and controls, although the operations may be carried out in another directorate other than Resources.
- D41 The CFO is responsible for:
- I. the operation of the Council's General Ledger and its accounting systems, the form of accounts and the supporting financial records. All the Authority's transactions, material commitments and contracts and other essential accounting information must be recorded completely, accurately and on a timely basis. All prime documents must be retained in accordance with legislative and other requirements;
 - II. determining the accounting procedures and records for the authority. Where these are maintained outside the finance department, or outside the Authority, the CFO must approve the controls to be applied in consultation with the Corporate Director concerned; and
 - III. ensuring there is adequate separation of duties in evidence in the accounting procedures.
- D42 Directors must:
- I. adhere to the accounting policies and guidelines approved by the CFO, supply information as and when required, and ensure that the advice of the CFO is sought on the development and implementation of any localised systems of costing, accounting and financial control;
 - II. ensure all local systems are integrated with the central accounting system as far as possible and reconciled to the central accounting system on a regular basis;
 - III. ensure that the organisational structure reflects an appropriate segregation of

duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice;

- IV. maintain adequate records to provide an audit trail leading from the source of income / expenditure through to the accounting statements and ensure the secure retention of all documents and vouchers with financial implications for the periods stipulated by the CFO, usually a minimum 6 years plus current financial year;
- V. ensure that their staff receive relevant financial training;
- VI. ensure that use of computer and other information systems are registered in accordance with data protection legislation and government connects where relevant; and
- VII. ensure that staff are aware of and comply with freedom of information legislation.

Purchase Orders

- D43 It is mandatory to raise Purchase Orders on the Corporate Financial System prior to procuring goods and services, unless an exemption is approved by the CFO.
- D44 Purchase Orders must be raised on the Corporate Financial System for all works, goods and services to be supplied to the Authority, except for periodic payments such as rent, rates and petty cash purchases unless specifically agreed with the CFO.
- D45 Commitments will be automatically recorded onto the Corporate Financial System through the approval of the purchase order. This ensures that the finance system gives a true picture of the amount of expenditure incurred and the balance remaining against each budget head.
- D46 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Goods Receipting

- D47 Budget Holders are responsible for ensuring that:
 - I. all works, goods or services received are “goods receipted” onto the Corporate Financial System;
 - II. any mismatches between the order and the goods receipt are resolved in a timely fashion in accordance with the procedures;
 - III. any mismatches between the goods receipt and the actual invoices are cleared on the system in a timely fashion in accordance with the procedures; and
 - IV. any blocked invoices notified are dealt with in a timely manner.

Procurement Cards

- D48 Procurement Cards can provide an effective method for payment for designated officers who in the course of their official business, have an immediate requirement for expenditure which is relevant to discharge their duties. Officers are required to adhere to the Procurement Card policy.

Payments to Suppliers

- D56 Payment to external organisations for goods and services accounts for a large percentage of the Council's expenditure each year. Directors should ensure that Contract Procedure Rules are followed for all spending in their departments and that all ongoing arrangements are 100% compliant with a contract and order in place before the issuing of invoices.
- D57 There will be separate stages to creating a new supplier on the system. Procurement will despatch a new supplier form and perform various checks. The completed form will undergo additional checks by CAP / CAR. Sap Support will create the new supplier on the SAP system checking the accuracy and validity of all data.
- D58 Notwithstanding the need to ensure VFM in all internal & external arrangements, Directors and Budget managers should all ensure that the full requirements of contracts are met before payments are made and that any non-delivery areas are deducted from invoices. Annual and up-front payments to external organisations or contractors should not be made without prior agreement from the relevant Finance Business Partners.
- D59 Where a purchase order has been raised, the supplier must send an invoice to the Corporate Accounts Payable Department (now the EGS / Proactis Marketplace outsourced system). Any invoices received elsewhere in error should be forwarded to the Corporate Accounts Payable Department.
- D60 Payment of all invoices and corporate contracts is made by the Corporate Accounts Payable Team. The method of payment for invoices is BACS and all suppliers/contractors are asked to provide their bank details prior to being set up the system.
- D61 The Direct Debit payment method and CHAPS payments are not allowed under normal circumstances. Exceptional circumstances must be authorised by CFO.
- D62 Payment will not be made unless a proper VAT invoice quoting the appropriate purchase order number (or spreadsheet in an approved format) has been received, Corporate Accounts Payable (the EGS / Proactis Marketplace outsourced system) will be responsible for entering all invoices into the corporate finance system and matching against purchase orders raised and the Goods Received Note. Any blocked invoices will be automatically notified to the requisitioner responsible for the purchase order.
- D63 Directors are responsible for ensuring that any blocked invoices notified to Budget managers are dealt with in a timely manner.
- D64 The CFO is responsible for ensuring that there is a separation of duties between the person authorising the Purchase Order and the person authorising the payment.
- D65 Directors are responsible for ensuring that suppliers are requested to provide invoices for goods, services and works in a timely manner quoting the purchase order number.
- D66 With respect to contracts for works, Directors should document and agree with the CFO the systems and procedures to be adopted in relation to certification of interim and final payments.

D67 Where a payment under a contract varies from the value specified in the contract, documentation must be obtained to explain the variation, approved as necessary, and retained on file to provide a full audit trail.

Unsupported Payments [FB60]

D68 All payments to third parties for goods and services should be made to a supplier that has been set up in the financial system, to ensure that the proper procurement process has been followed. Where single payments have to be made to an individual (and no further payments can reasonably be expected) then the Council's unsupported (non invoice) payment process can be used (FB60s). Examples of allowable payments are refunds, insurance claims and legal payments.

D69 The CFO is responsible for the provision of appropriate guidelines and systems controls to prevent the use of the unsupported payment process to avoid the purchase to pay controls. These will ensure that there is appropriate segregation of duty between raising and authorising the payment.

D70 Directors must ensure that the unsupported payment process is used appropriately, that guidance issued by the CFO is followed, and that all expenditure is appropriately authorised.

Urgent or Emergency Payments

D71 In very rare circumstances, the Council may wish to make an urgent payment, for example when a child is at risk or if it would incur a penalty charge if it did not do so. The CFO is responsible for issuing guidance on urgent payments. All urgent payments must be authorised by the CFO.

Payments to Employees and Members

D72 Staff costs are the largest item of expenditure for most services. It is therefore important that payments are accurate, timely, and made only where they are due for services to the authority, and that payments accord with an individual's conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are in accordance with the scheme adopted by the full Council.

D73 The Head of Paid Service is responsible for all payments of salaries and wages and expenses to staff, including payments for overtime, honoraria etc. and submission of tax returns to HM Revenue and Customs by their due date for the above. The Head of Paid Service is also responsible for the timely provision of information, and the maintenance of sound financial controls to meet the responsibilities in connection with taxation issues arising from payments to employees.

Taxation

D74 Under section 33 of the Value Added Tax Act, 1994 Local Authorities are able to recover VAT in all cases, although there are a few specific exceptions. Like all organisations, the Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are often severe. It is important that all relevant officers are kept up to date on tax issues and instructed on required record keeping.

- D75 The Resources Corporate Director is responsible for
- I. providing information to HMRC as required including Pay as You Earn (PAYE), and the Construction Industry Tax Deduction Scheme and Value Added Tax (VAT) ;
 - II. advising Directors of their responsibilities under the scheme;
- D76 The CFO is responsible for
- I. completing an accurate monthly return of VAT (inputs and outputs) to HMRC and ensuring that all payments are made within statutory deadlines;
 - II. monitoring the VAT partial exemption calculation in respect of the Authority's de minimus limit of 5% to ensure that it is not exceeded and completing the annual VAT partial exemption calculation in respect of the Authority's de minimus limit of 5%.
- D77 Directors and Budget managers are responsible for ensuring that the appropriate controls and procedures are operated within the Department or relevant service area in relation to taxation issues. This will include seeking advice from the CFO on VAT matters and ensuring that the correct VAT liability is attached to all income due and that all VAT payable on purchases complies with HM Revenue and Customs regulations.
- D78 The CFO will ensure that the Authority receives appropriate advice on the taxation implications of all significant policy and management initiatives involving partnerships and joint ventures.
- D79 The CFO will ensure that all levels of staff are made aware of the Corporate Criminal Offence legislation (introduced in September 2017). The legislation covers all forms of loss of taxation. In summary HMRC deem an organisation liable for the facilitation of tax evasion by an "associate" (broadly an employee, agent or person acting on behalf of the organisation), unless they can prove that they had reasonable procedures in place to prevent such facilitation at the time the offence occurred.

Ex Gratia Payments

- D80 An ex gratia payment is a payment made by the Authority where no contractual or legal obligation has been established. An example may be out of court settlement for costs associated with a member of staff acting on behalf of the authority or to a member of staff.
- D81 Ex-gratia payments should generally not be made and must always be approved by the CFO and the Monitoring Officer above the limit specified in Section F.

Trading Accounts

- D82 In some areas the Council may operate a trading account. This means that the costs and income from charges relating to the service are ring-fenced in the accounts. Any surplus or deficit is added to a reserve each year.
- D83 The CFO is responsible for ensuring that trading accounts are treated properly in the Council's accounts.

- D84 Directors are responsible for ensuring that, in line with the Local Government Act 2003, charges are set to recover costs without building up significant surpluses, and that any changes in take up of the service which could result in a deficit are reported at an early stage. All charges must be reviewed on a regular basis and annually as a minimum as part of integrated service and financial planning.
- D85 Directors must ensure that work for third parties is approved and covered by a suitable contract or agreement so that the responsibilities of each party are clear. Financial and legal advice should be sought at an early stage. This will ensure that the Council only carries out work that is within its legal powers, and that financial issues such as insurance and taxation are properly considered.
- D86 Directors must provide appropriate information to the CFO to enable a note to be entered into the Statement of Accounts where necessary.

Internal Recharges

- D87 The CFO will establish a framework for budgeting and accounting for internal recharges, central support services and other departmental recharges in accordance with proper accounting practices and the Service Reporting Code of Practice ("SeRCOP")
- D88 The CFO will arbitrate on disputed recharges.
- D89 The CFO will ensure that recharges are accurate and processed in a timely manner.
- D90 Directors will:
- I. notify and agree with client departments in advance of any service provision of all recharges.
 - II. notify and/or respond to disputed recharges in accordance with the timescales laid down by the CFO.
 - III. ensure that internal recharges for their services are processed on a monthly basis.
 - IV. ensure that budgets for the purchase and provision of internal services are agreed between purchaser and provider and properly reflected in annual budgets and business plans and budget monitoring statements.

Journals

- D91 Journals are used to correct the coding of income and expenditure, recharges or to carry out balance sheet transactions on the financial System. The CFO will establish a process to ensure that:
- I. journals can only be generated within agreed levels of delegation and security;
 - II. only authorised inputters and authorisers can generate journal entries;

- III. an authorised list of inputters and authorisers is maintained on the corporate finance system to verify compliance;
- IV. there is a separation of duties between inputters and authorisers of journals, and
- V. the corporate financial system will only allow 'balanced' journals to be accepted.

Section E. External Arrangements

Contractual Relationships

E1 Directors must ensure that work carried out by third parties for the Council is approved and covered by a suitable contract or agreement so that the responsibilities of each party are clear. Financial, legal and procurement advice should be sought at an early stage. This will ensure that the organisation only carries out work that is within the relevant legal powers, and that financial issues such as responsibility for managing budgets, insurance and taxation are properly considered. All contractual arrangements should be consistent with the Contract Procedure Rules.

Partnership Arrangements

E2 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of the Borough.

E3 The Cabinet is responsible for approving delegations, including frameworks for partnerships.

E4 The CFO must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are proper. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

E5 Directors must ensure that the full implications of any partnership are explored and that Finance and Legal officers are consulted at an early stage. The following issues should be addressed:

- I. Is a partnership the best vehicle for achieving the desired outcome?
- II. What are the objectives of the partnership and are they consistent with the Council's priorities?
- III. What is the legal status of the partnership and how will it be governed?
- IV. What is the liability of the Council and the other partners?
- V. Are the respective roles and responsibilities clear?
- VI. What are the risks and how will they be managed and monitored?
- VII. How will the performance of the partnership be monitored and how will success be measured?
- VIII. Who employs and manages the staff?
- IX. How will the partnership be funded and who is responsible for the financial management, accounts and audit arrangements?
- X. Are there any taxation issues?

- XI. Is there a robust business case?
 - XII. How will goods and services required by the partnership be procured?
 - XIII. What are the resource implications in terms of staff, premises etc.?
- E6 Directors are responsible for appropriate approvals before any commitment or agreement is entered into.
- E7 A partnership arrangement must not be used as a means of avoiding the procurement rules. Chief Officer Responsibilities are to:
- I. Report all new partnerships proposals as required by the Scheme of Delegation.
 - II. The value of the partnership for this purpose is the sum of the Council's contribution over the life of the partnership (whether capital or revenue) and the value of any contributions in kind e.g. premises, staffing, IT systems etc.
- (b) Ensure that all new partnerships have a written agreement between the partners covering the following points:
- I. the duration, purpose and benefits to be derived from the partnership;
 - II. the governance arrangements, including the accountable body;
 - III. agreed service targets and performance reporting;
 - IV. financial reporting, partner contributions over time, ownership of assets, and fees and charges;
 - V. arrangements for joining, leaving and winding up the partnership;
 - VI. employer and terms of conditions of any staff;
 - VII. insurance arrangements;
 - VIII. treatment of VAT and any other tax implications of the partnership.

Public Finance Initiative (PFI) and Local Improvement Finance Trust (LIFT)

- E8 A PFI scheme is one where the local authority is purchasing a capital intensive service from the private sector over the period of a long term contract, normally between 25 to 30 years.
- E9 The CFO's and Council authorisation is required for PFI projects.
- E10 Chief Officers must notify the CFO of any proposed PFI projects before negotiation or funding requests are made and seek Cabinet approval, supported by a business case and an option appraisal. The Chief Officer must seek Financial, Legal and Procurement advice from the outset.

Grants to outside Bodies

- E11 Grants to voluntary bodies and community organisations must be effectively managed, in a similar way to partnerships and procurements.

E12 Decisions to approve assistance to an outside body by grant must follow the agreed procedures and Scheme of Delegations:-

- I. the receiving body has been properly identified, has suitable lead parties, a defined work area or purpose, and suitable trust documents or Constitution;
- II. any conflicts of interest have been declared and properly managed;
- III. any risks to such agreements and to the Council's interests are being adequately and appropriately managed;
- IV. the assistance contributes to the delivery of the Council's services or to the achievement of the Council's corporate objectives;
- V. the extent and purpose of the assistance have been properly identified;
- VI. arrangements for the repayment of any loan have been made;
- VII. arrangements to gain repayment or recovery for the value of the assistance are in place in the event of default by the recipient;
- VIII. any specific conditions relating to the assistance have been identified;
- IX. monitoring arrangements have been put in place, linked to stage payments, to ensure the assistance is used for the purpose approved;
- X. the recipient will provide evidence to the Council demonstrating proper accounting for, and use of, the assistance, including, access to the accounts of the body for the CFO, or designated representative, and to supporting information, documents and evidence;
- XI. a legally binding agreement is in place between the Council and the body covering the above conditions relating to the use of grant or other assistance;
- XII. full records will be maintained of all grants and related applications for assistance, that should identify which staff are involved in the processing of applications and grants, record the date of approval of any grant or other assistance, by whom, and any other relevant transaction information;
- XIII. Members will approve all grants and assistance to external bodies in accordance with the agreed grants programme guidance;

E13 The Responsibilities of the CFO are:

- I. to advise on effective controls;
- II. to advise on any funding implications of grants or assistance;
- III. to ensure the accounting arrangements are satisfactory;

E14 The responsibilities of Directors are:

- I. to ensure that the key controls set out above are implemented in respect of all grants made and assistance provided;

- II. to undertake any research, e.g. by making enquiries of the Charity Commissioners, into the financial standing of proposed grant receiving bodies;
- III. to ensure the use of any corporate standard agreements drawn up by the CFO (as updated from time to time), with any specific conditions incorporated therein.

Accountable Body

E15 The Council may from time to time choose to act as the Accountable body for a third party, for example to support local partnership arrangements, pooled budget arrangements or as a condition of grant funding. These arrangements may form part of our contribution in kind to a valued partnership. However, there is work required to support the accountable body role and assuming this responsibility also carries financial risks

Chief Financial Officer's Responsibilities

E16 The CFO must approve all Accountable Body arrangements before they are entered into on behalf of the Authority

E17 In doing so, the CFO will confirm:

- I. there is a suitable formal agreement in place covering duties and responsibilities or all the parties for financial matters (See Partnership Section)
- II. the resources are available to undertake the Accountable Body role;
- III. there are adequate arrangements in place to recoup the Accountable Body costs from the 3rd party or include them as part of the Council's contribution to the 3rd party arrangements;
- IV. appropriate checks and safeguards are in place to prevent financial loss to the Council arising from its duties as Accountable Body, including arrangements such as grant claw back, treatment of overspends, loss of assets or fraud;
- V. the Council retains the power to retain funding where there is a breach of governance arrangements.

Directors Responsibilities

E18 To refer all Accountable Body agreements to the CFO for approval before they are entered into.

E19 To provide the CFO with all information and documentary evidence requested in order for the CFO to undertake the Accountable Body role.

Emergency Planning

E20 In the event of a catastrophic incident being declared, the CFO is authorised to make emergency payments under the London Councils Gold Resolution, to be reimbursed by central government.

E21 Nothing in these regulations shall prevent expenditure being lawfully incurred by the

Head of Paid Service in respect of an emergency under section 138 of Local Government Act, 1972, in accordance with the agreed Scheme of Delegation and emergency plans.

- E22 The CFO must ensure systems are in place to keep proper records of all such emergency expenditure to allow for the submission of a formal claim under the Bellwin or other relevant scheme.
- E23 Directors must ensure that records of all payments and receipts are kept and made available to the CFO in order to facilitate any future claim for assistance.

Section F. Scheme of Approval and Delegation for Financial Transactions

F1 The following tables show the levels of authority and delegations for financial transactions up to the limits indicated in relation to the approved policies and activities of the Council and provided there is adequate budget provision.

F2 Financial delegations in relation to Maintained Schools are maintained locally by the appropriate Governing Body.

Delegations – Orders, Unsupported payments and Award of Contract Value

Delegation	Approval of Orders (on SAP)	Approval of Unsupported payments (on SAP)	Award of Contract (Total Value over life of Contract)	Counter signature (*)
Cabinet	N/A	N/A	Over £500,000	
Head of Paid Service	Unlimited	Unlimited	£250,000 to £499,999	Portfolio holder for finance
CFO	To approve all payments over £1m (in addition to Corporate Director/Monitoring Officer).	To approve all payments over £1m (in addition to Corporate Director/Monitoring Officer).	£250,000 to £499,999	Portfolio holder for finance
Corporate Director / Director of Finance	Unlimited	Unlimited	£100,000 to £249,999	
Director (D grades)	£100,000 to £499,999	£100,000 to £499,999	£50,000 to £99,999	
'M' grades	£50,000 to £99,999	£50,000 to £99,999	£25,000 to £49,999	
'G9 to G11' grades	£0 to £49,999	£0 to £49,999	£0 to £24,999	

Delegations – Petty Cash and Virements (Revenue and Capital)

Delegation	Petty Cash Payment	Virements (Revenue & Capital)	Counter signature (*)
Cabinet	N/A	Over £500,000	
Head of Paid Service	£0 to £250 cash and cheque	£250,000 to £499,999 *	CFO and Portfolio holder for Finance
CFO	£0 to £250 cash and cheque	£250,000 to £499,999 *	Portfolio holder for Finance
Corporate Director/ Monitoring Officer	£0 to £250 cash and cheque	£100,000 to £249,999 *	CFO and Portfolio holder for Finance
Director (D grades)	£0 to £250 cash and cheque	£25,000 to £99,999 *	Corp Director and CFO
'M' grades	£50 to £99 cash £100 to £250 cheque	£10,000 to £24,999 *	Director and CFO
'G9 to G11' grades	£0 to £49 cash £0 to £99 cheque	£0 to £9,999 *	Director and CFO

Delegations – Write back to revenue of aborted capital scheme costs

Delegation	Write back of capital costs to revenue budget
Cabinet	Over £500,000
CFO	Up to £500,000

Pension Fund Payments

Delegation	Approval of Lump sum payments and Fund Transfers
CFO & in their absence Corporate Director of Resources	unlimited
Divisional director – HRD and Shared Service	<£300,000
Treasury and Pensions Manager	<£100,000
Pension Team Leader	< £50,000

Authorisation of BACS payroll payments

The following postholders are authorised to approve the payment via BACS of the payroll output from the periodic SAP pay runs.

- I. Head of HR Operations, Head of Employee and Customer Relations

Procurement of Care Spot Placements

Procurement of care spot placements – (i.e. individual placements that fall outside of any block contracting arrangements).

A general waiver is granted so that there is no need to tender such requirements acknowledging at all times that the Council has a duty to achieve best value in making such placements.

The Scheme of Delegation for the procurement of care spot placements is as given in the table below.

Further information can be found in the Contract Procedure Rules s 7.9

Social Care Spot Placements Procurement

Delegation	Annual Contract Value of Placements
Statutory Director (portfolio holder must be informed)	£250,000
Statutory Director	£125,000
Head of Service	£62,500

Approval Required to commence schemes in the approved capital programme

Delegation	Amount £
CFO	< £1,000,000
CFO, Leader and Portfolio Holder for Finance	£1,000,000 - £2,500,000
CLT and Cabinet	> £2,500,000
Capital De Minimus - Assets or a group of like assets will be treated as revenue below this level	£10,000

Severance and Ex Gratia Payments

Severance Payments - Pension Fund Committee	> £100,000
Severance Payments – CFO, Monitoring Officer and Divisional Director of HRD and Shared Services in consultation with the Portfolio Holder for Finance	£50,000 - £100,000

Severance Payments – CFO, Monitoring Officer and Divisional Director of HRD and Shared Services	<£50,000
Ex Gratia Payments (excl Severance)– Cabinet	>£100,000
Ex Gratia Payments (excl Severance) – CFO & Monitoring Officer in consultation with the Portfolio holder for Finance	£50,000 - £100,000
Ex Gratia Payments (excl Severance) – CFO & Monitoring Officer	<£50,000

Debt Write off

F3 Write-offs are subject to approval as follows:

Category	Individual Debt (£)	Category of Debts (£)
In relation to Council Tax, NNDR, Housing Benefit debts and Parking Fines : Authorisation needed by both the Head of Revenues and Deputy S151 officer	Up to £5,000	Up to £25,000
Section 151 officer or Deputy Section 151 officer	£1,001 to £5,000	Up to £25,000
Section 151 officer	£5,000 to £25,000	Up to £100,000
Section 151 officer and Portfolio Holder with Responsibility for Finance	Above £25,000	Above £100,000

F4 The limits apply to individual debts or category of debts. A category of debt is a batch in number of the same type of debt (e.g. parking fines, Council Tax etc). The write offs needing approval at Cabinet will be submitted as part of the quarterly Revenue Monitoring Report.

Assets

F5 The CFO shall maintain inventories that record an adequate description of portable and desirable items such as computers, monitors, printers, facsimile machines, mobile phones and photographic equipment above the value shown below.

£1,000

Land and Property Disposals

F6 Corporate Directors in conjunction with the portfolio holder have delegated authority for General Land and Property disposals

£0.250m. - Anything above £0.250m must be reported to the Cabinet for approval.

Fixtures and Fittings Disposals

F7 All property, plant or equipment assets disposed of over the value of £10,000 must be cleared with the CFO

Money Laundering

F8 The maximum amount receivable from a single customer in coin, notes, or travellers cheques in respect of goods or services.

£5,000

Journal Authorisation

F9 All journal transfers for the Financial Accounting System (SAP) must be authorised by the relevant officer in Central Finance

Category	Journal Value
Chief Finance Officer	➤ £500k
Head of Strategic and Technical Finance (Deputy S151)**	➤ £500k
For their respective areas only :-	➤ £500k
Treasury and Pensions Manager	➤ £500k
FBP Housing and Regeneration	➤ £500k
FBP Adults and Public Health	➤ £500k
FBP Community	➤ £500k
FBP Schools and Children's	➤ £500k
Service Accountants / MG1 / MG2	£50 to £500K
Senior Finance Officer (or as delegated by Service Accountant)	➤ Up to £50k

** Head of Strategic Finance to delegate HRA rent journals over £500k to the HRA Service Accountant

Any delegations have to be explicitly agreed in writing with the Head of Strategic Finance / Head of Technical Accounting or Director of Corporate Finance

HR Related Activities

F10 The table below sets out the minimum grade officers need to be to undertake various HR activities.

Task	Grade / Level	Notes
Appointment of Directors D1 to D4	Chief Executive	Approval to recruit must be sought from the Chief Executive and Monitoring Officer. All appointments above £100,000 (pro rata) including acting up arrangements must be through the Chief Officer Employment Panel
Appointment of staff – MG Grades	Director	Appointing Officer and Budget Manager need to authorise appointment
Appointment of Staff – G1 to G11 and Educational Psychologists	MG 2	Appointing Officer and Budget Manager need to authorise appointment

Task	Grade / Level	Notes
Re-organisation / restructure including JE - middle management and below	Director	In consultation with Head of HR
Authorisation of new assignment of Essential Car User allowance to post	Director	
Re-organisation / restructure including JE below middle management	MG 4	In consultation with Head of HR
Authorise job share	MG 3	
Authorise special payments (outside of main payroll run)	MG 3	In consultation with the Payroll Manager
Authorise extensions to sick pay	MG 4	In consultation with Head of HR
Authority to manage collective changes to terms & conditions within the agreed HR policy framework (affecting groups of staff)	Director	In consultation with Head of HR
Authorise acting up and honorarium payments	MG 4	In consultation with Head of HR
Authority to suspend and dismiss	MG 4	In consultation with Head of HR
Authorise personal injury allowance payment	MG 4	In consultation with Head of HR
Authorise overtime	MG 2 Team Manager	
Authorisation of car loan claims	MG 2	
Authorisation of travel and subsistence claims	MG 2 Team Manager	
Authorise all special and unpaid leave requests	MG 3	In consultation with Head of HR
Authorise ex-gratia payments	MG 3	In consultation with Head of HR

Financial Procedure Notes, Policies & Strategies

Corporate Strategies and Plans				
No.	Financial Regulations section	Procedure Notes	Lead Officer	Reference / Link to document (where available)
S1	Risk Management and Internal Control	Risk Management Strategy	Head of Internal Audit	UK corporate governance Code, 2010, http://harrowhub/info/200193/risk_management/313/risk_management/2
S2	Risk Management and Internal Control	Statement of Risk Appetite		UK corporate governance Code, 2010, http://harrowhub/info/200193/risk_management/313/risk_management/2
S3	Financial Planning and Management	Medium Term Financial Strategy	s151 Officer	Presented to Cabinet in February each year
S4	Financial Planning and Management	Capital Strategy	Deputy 151 Officer	Presented to Cabinet in February each year
S5	Financial Planning and Management	Treasury Strategy	Treasury and Pension Fund Manager	Presented to Cabinet / Council February each year
S6	Financial Planning and Management	Pensions Funding Strategy	Treasury and Pension Fund Manager	Presented to Pension Fund Committee each year
S7	Financial Planning and Management	Asset Management Plan	CFO/Divisional Director of Commissioning Services	Held by Divisional Director

Policy and Procedures				
No.	Financial Regulations section	Procedure Notes	Lead Officer	Reference
P2	Other Financial Accountabilities	Closure of Accounts and Accounting Policy	Head of Technical Finance and Accountancy	Detailed closedown timetable and guidance notes produced each financial year for circulation
P3	Risk Management and Internal Control	Anti-Fraud and Corruption Strategy	Manager Corporate Anti-Fraud Team	Anti-Fraud and Corruption Strategy

P4	Risk Management and Internal Control	Whistle blowing Policy and Procedure	Monitoring Officer	http://harrowhub.harrow.gov.uk/downloads/download/94/whistleblowing
P5	Risk Management and Internal Control	Fraud Investigation guidelines	Manager Corporate Anti-Fraud	Held in Internal Audit
P6	Risk Management and Internal Control	Proceeds of Crime Act and Anti Money – Laundering Policy	Manager Corporate Anti-Fraud	Anti-Money Laundering Policy
P8	Financial Planning and Management	Capital Programme	Deputy s151 Officer	Presented to Cabinet in February each year
P9	Financial Planning and Management	Fees and Charges Policy	Deputy s151 Officer	Presented to Cabinet in January each year
P12	Financial Systems and Business processes	Goods Receipt and Invoice Receipt	Manager , Shared Services	https://harrowhub.harrow.gov.uk/info/200148/finance-and-commercial/784/invoice-request
P13	Financial Systems and Business processes	Payment of Invoices	Manager , Shared Services	
P14	Financial Systems and Business processes	Procurement Cards	Director of Procurement	https://harrowhub.harrow.gov.uk/info/200194/commercial-and-procurement/1011/procurement-card-policy
P15	Financial Systems and Business processes	Expenses, travel and subsistence allowances	Manager , Shared Services	http://harrowhub/downloads/file/71/expenses-policy
P16	Financial Systems and Business processes	Management of the Banking Contract and Operation of Bank Accounts	Treasury and Pension Fund Manager	Held in Central Finance
P17	Financial Systems and Business processes	Cashier Procedures	Head of Collections & Housing Benefits	Held by Cashiers manager
P18	Financial Systems and Business processes	Bank Reconciliation	Head of Technical Finance and Accountancy	To be updated
P19	Financial Systems and Business processes	Retention of Documents	Head of Internal Audit	Held in Internal Audit
P21	Property and Resources	Treasury Management policy and practices	Treasury and Pension Fund Manager	Presented to various GARMS and Cabinet meetings each year

P22	Property and Resources	Use of Consultants	Director (Human Resources and Development)	https://harrowhub.harrow.gov.uk/info/200301/agency_recruitment/1242/agency_workers https://harrowhub.harrow.gov.uk/downloads/download/3228/consultancy_agreements https://harrowhub.harrow.gov.uk/info/200194/commercial_and_procurement/853/authorisation_forms
P24	Financial Systems and Business processes	Establishment Control	Divisional Director (Human Resources and Development)/CFO	http://harrowhub/downloads/file/278/org_structure_guide_for_managers
P25	Financial Systems and Business processes	Petty Cash Procedures	Head of Technical Finance and Accountancy	Procedure note held within Central Finance and issued to holders of petty cash floats
P26	Financial Systems and Business processes	Unsupported Payments (FB60)	Head of Technical Finance and Accountancy / Head of Collections & Housing Benefits	..\Procedure Notes\P26 Unsupported Payments FB60\Unsupported Payments FB60s V3 January 2015.pdf
P28	Corporate Criminal Offence legislation	All forms of loss of taxation	Technical Accounting Manager	Held in Central Finance

No.	Financial Regulations section	Register Name	Lead Officer
R1	Grants and External Funding	Grants Register	Head of Technical Finance and Accountancy
R2	Asset Management Plan	Asset registers	Directors
R3	Preventing Fraud, Bribery and Corruption	Register of interests	Relevant Director
R4	Risk Management and Risk Strategy	Corporate Risk Register	Head of Internal Audit
R5		Local Land Charges Register	Monitoring Officer
R6	Land and Buildings	Schedule of	Corporate Director of

		disposals	Place
R7	Section 106 and Community Infrastructure Levy (CIL)	S106 and CIL	Deputy 151
R8		Procurement Cards	Director Commercial, Contracts and Procurement
R9	Land and Buildings	Terrier	Head of Corporate Estate

Section G Glossary and Abbreviations

Accounting Officer

Every central Government organisation is required to have an Accounting Officer, who is usually the senior official in the organisation. They have personal responsibility for the overall organisation, management and staffing of the department and for department-wide procedures in financial and other matters.

Accounting Records

All of the prime documentation, whether paper, electronic or in another form, involved in the preparation of financial statements or records relevant to audits and financial reviews. Accounting records include records of assets and liabilities, monetary transactions, ledgers, journals, and any supporting documents such as purchase orders, goods receipt notes, cheques, invoices and receipts.

Accrual

Procedure for accounting in one financial year for expenditure actually made or income actually received in the following year although due or chargeable in the year of account – entries made in the year of account are reversed in the following year.

Agency Staff or Worker

Under Regulation 3 of the Agency Workers Regulations 2010, an “agency worker” is defined as an individual who is supplied by a temporary work agency to work temporarily for and under the supervision and direction of a hirer. They have a contract of employment with the agency or a contract to perform work and services personally with the agency. See also Consultant

AMP (Asset Management Plan)

Corporate and departmental plans outlining how the Council plans to manage its assets.

Audit Committee

In Harrow the Governance, Audit, Risk Management & Standards Committee is the Audit committee.

Balances

Amounts carried forward in the accounts from one financial year to another.

Budget

The Council’s spending plans for a financial year. The revenue budget, when approved by the full Council and after deduction of Revenue Support Grant and redistributed Business Rates, determines the Council Tax for the year. The capital budget represents the approved amount of capital expenditure for a year together with how it will be funded. (Budget can refer to the total budget or to a service or part of a service).

Budgetary Control

Comparison of actual expenditure and income against approved budgets during the year and the taking of action to resolve any variations which arise.

Capital Expenditure

Expenditure on making, buying or substantially improving fixed assets.

Capital Programme

Sets out the Council's capital expenditure plans for the near future.

Capital Receipts

The net proceeds arising from the sale of land, buildings and other fixed assets owned by the Council and any other income deemed by statute to be of a capital nature.

Capital Resources

Amounts available to finance capital expenditure - including borrowing, capital receipts, capital grants and revenue.

Cash Limit

A budget set at a fixed level with no scope for subsequent increase.

Charges

Income raised from the users of services both external or internal, which may be either set by central government or set by the authority.

Chart of Accounts

The organisation and numbering of accounts held in the general ledger. For local authorities recommended best practice is contained within CIPFA's "Statement of Recommended Practice" (SeRCOP)

Chief Financial Officer (CFO)

The Chief Financial Officer (CFO) is the organisation's most senior executive role charged with leading and directing financial strategy and operations. All Local Authorities must appoint a Chief Finance Officer (CFO) under Section 151 of the Local Government Act 1972. The CFO is critical to:

- Maintaining strong financial management underpinned by financial controls to maintain probity. This includes corporate risk management, partnership arrangements, effective prudential borrowing and fund management, internal audit function, anti-fraud and corruption, financial systems, sound financial records and information
- Leading and managing an effective and responsive financial service.
- Supporting and advising officers in their operational roles.
- Supporting and advising democratically elected representatives.
- Contributing to corporate management and leadership, ensuring that finance advice carries the appropriate weight and is of the proper standard.

Chartered Institute of Public Finance and Accountancy (CIPFA)

One of the six chief accountancy institutes which make up the Consultative Committee of Accountancy Bodies. CIPFA is responsible for the education and training of professional accountants in the public sector and for setting accounting standards for local government. Much of the guidance issued by CIPFA has statutory force.

Chief Officer (s)

Corporate Directors and Directors as appropriate.

Consultant

Temporary workers genuinely engaged on a self-employed basis as a consultant or interim, those working on a Council 'as and when contract' or through a managed service contract, for example Capita employees.

Contingency

Amount set aside within an approved budget but not assigned for a specific purpose which may cover, for example, inflation increases or sums retained centrally for allocation during the year.

Contingent Asset

A contingent asset is a possible asset that may arise because of a gain that is contingent on future events that are not under the organisations control.

Contingent Liability

A possible obligation that arises from past events and whose existence will be confirmed only by the occurrence of one or more uncertain future events not wholly within the organisation's control

De Minimus

Numerical limit below which the relevant rule or regulation does not apply.

Document Retention Schedule

Details the time, dictated by statute or good practice, for which prime records for various areas of the Council's activity should be retained for possible examination.

Estimate

Anticipated expenditure or income - generally synonymous with "budget".

Executive, The

The decision making body of the Council, consisting of elected Members, in accordance with the Constitution. It can legally take the form of a leader and cabinet, an elected mayor and cabinet, or an elected mayor and council manager.

Finance Lease

A form of credit arrangement where the Council accepts the risks and rewards of ownership of an asset for a major part of the economic life of the asset in return for a periodic payment.

FRS (Financial Reporting Standard)

Accounting standards adopted by Accounting Standards Board.

Head of Internal Audit

The Head of Internal Audit is the officer responsible for effectively managing the internal audit activity in accordance with the internal audit charter and the PSIAS' *Definition of Internal Auditing*, the *Code of Ethics* and the *Standards*.

Head of Paid Service

The Head of Paid Service is a statutory role and is responsible for the leadership and general administration of the Authority.

Maintained Schools

Maintained schools are funded by central government via the local authority. Maintained schools are accounted for within the Council's accounts.

Medium Term Financial Strategy (MFTS)

The MFTS is a forward looking financial strategy for the Council covering at least three years that both revenue and capital

Monitoring Officer

The Monitoring Officer is a designated officer of the Authority appointed under section 5(1) of the Local Government and Housing Act 1989. The Monitoring Officer has responsibility for ensuring the legality of the actions of the Authority and its officers, and for ensuring that the policies of the Authority are properly developed and implemented. The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the standards committee and the CFO.

Money Laundering Reporting Officer

Businesses that are regulated by the Money Laundering Regulations must appoint a nominated officer to receive and make reports on suspicious activities.

Operating Lease

An agreement whereby the leaser retains the risks and rewards associated with ownership of an asset and normally assumes responsibility for repairs, maintenance and insurance.

Overspending

The excess of actual expenditure at the end of a year or contract which is greater than the approved budget, or actual income which is less than the approved budget.

Provision

The setting aside of financial resources to meet the potential cost of a past occurrence likely to lead to a future obligation of which the timing or amount cannot be precisely quantified.

Reserves

Amounts set aside for specific purposes to meet future expenditure which do not qualify as provisions (also called earmarked reserves).

Revenue Budget

Approved amount of revenue expenditure for a financial year.

Revenue Expenditure

Any expenditure that does not meet the capital test must be charged to the Consolidated Revenue Account, including capital charges and any capital expenditure not met from capital resources.

SeRCOP

The CIPFA Service Reporting Code of Practice (SeRCOP) replaced the previous Best Value Accounting Code of Practice (BVACOP). SeRCOP applies to all local authority services throughout the United Kingdom from 1 April 2014, Performance Indicators and Statements of Accounts.

Scheme of Delegation

A formal document recording the agreed handing down of statutory (where allowed) and other responsibilities by the Council to the Cabinet, Cabinet Members, Committees, Panels and Officers.

Slippage

Expenditure on a capital scheme delayed from one financial year into the next but which does not affect the total cost of the scheme.

Trading Accounts

Under the SeRCOP Councils may choose to maintain trading accounts for services that provide goods and service under a commercial or semi commercial agreement:

Under spending

The amount that actual expenditure is less than the approved budget for a given period or conversely actual income is above the approved budget. This represents amounts that will never be incurred or received and should be distinguished from Slippage, which is merely delayed expenditure.

Virement

The approved transfer of budget from one area to another.

Wednesbury Rules

When developing policy or taking decisions, under the Wednesbury Rules, all officers should ensure that the authority took into account those matters it should, ignored those it shouldn't and came to a reasonable conclusion.

PART 5

Codes and Protocols

PART 5

Codes and Protocols

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Harrow Council

A. Code of Conduct for Councillors and Members

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.
 - (2) You should read this Code together with the general principles set out in Appendix 1.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) 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;
 - (iii) any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (iv) 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. 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.
 - (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;
 - (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.
 - (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 -

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

(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.

Part 2

Registration and Disclosure of Interests

Disclosable Pecuniary Interests

- 8.1 A pecuniary interest is a “Disclosable Pecuniary Interest” if it is of a description specified in Appendix 2 and either:
- (a) it is the interest of you as a Member or
 - (b) it is an interest of:
 - (i) the Member’s spouse or civil partner
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners,
- and the Member is aware that the other person has that interest.

- 8.2 If you are in any doubt as to whether you should continue to participate in any matter, you should take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.
- 8.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Council's committees. You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

Effect of disclosable pecuniary interests on participation

- 9.1 Where you are present at a meeting of the Council and you are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, then:
- (a) if the interest is not entered on the Council's register of interests you must (subject to the provision relating to sensitive interests) disclose the interest to the meeting, and
 - (b) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date of disclosure and
 - (c) (i) (subject to any current dispensation) may not participate (or participate further) in any discussion of the matter at the meeting or
 - (ii) participate in any vote (or vote further) taken on the matter at the meeting
 - (iii) and must leave the room in which the meeting is being held
- 9.2 If a function of the Council may be discharged by you as a single member acting alone and you are aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function then
- (a) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date when you became aware of the existence of the interest in relation to the business to be dealt with and
 - (b) you must not take any steps, (or further steps) in relation to that matter except for the purpose of enabling the matter to be dealt with otherwise than by you.

- (c) decision-making by a single executive member is a matter of particular sensitivity, and if you have a disclosable interest in a matter on which you may take a decision you should wherever possible refer the matter to the Executive for a collective decision.

Other Interests

10.1 In addition to the above requirements, if you attend a meeting at which an item of business is to be considered and you are aware that you have other interests in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

10.2 Other interests are ones where –

Any decision in relation to the item at a meeting might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area.

A close family member is a: spouse, civil partner or any person living with the member as a spouse or civil partner, or a Member's brother or sister, son or daughter or a parent.

Interests include, but are not limited to the interests listed in the Table in Appendix 2 of this Code.

11.1 Dispensations

In cases where a member has a disclosable pecuniary interest, they may still be able to participate and vote at a meeting if they have obtained a dispensation from the GARMS Committee in accordance with the provisions set out below:

There are 5 circumstances in respect of which a dispensation may be granted, namely:

- (a) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business;
- (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area;
- (d) That without a dispensation, no member of the Cabinet would be able to participate in this matter, or

(e) That the authority considers that it is otherwise appropriate to grant a dispensation

11.2 You must make verbal declaration of the existence and nature of any dispensation granted to you at or before the consideration of the item of business or as soon as the interest to which the dispensation relates, becomes apparent. In the event of a blanket dispensation granted to all Members on a particular matter, this should be declared by the Chair at the commencement of the meeting.

Gifts and Hospitality

12.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.

12.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

12.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

12.4 See Appendix 3 Protocol on Gifts and Hospitality for full details.

Part 3

Registration of Members' Interests

Registration of Members' interests

13.1 You must, within 28 days of –

(a) this Code being adopted by the Council or

(b) your election or appointment to office (where that is later):

notify the Council's Monitoring Officer of any disclosable pecuniary interest which you have at the time of notification for registration in the Council's register of members' interests maintained under the Act.

13.2 Where you become a member of the Council as a result of re-election or re-appointment the requirement for notification as mentioned in sub-paragraph (1) above applies only to disclosable pecuniary interests not entered in the register when the notification is given.

- 13.3 Entries in the register are not required to be retained once you:
- (a) no longer have that interest or
 - (b) have ceased to be a Member of the Council (otherwise than transitorily on re-election or re-appointment).
- 13.4 Where a Member gives a notification for the purposes of sub-paragraph (1) above the Monitoring Officer must cause the interests notified to be entered on the Register whether or not they are disclosable pecuniary interests.
- 13.5 Where a Member gives a notification for the purposes of paragraphs 9.1(b) or 9.2 (a) above the Monitoring Officer must cause the interest notified to be entered on the Register whether or not they are disclosable pecuniary interests.
- 13.6 You must inform the Monitoring Officer within 28 days of any change to your circumstances regarding any existing registration or need for further registration.

Sensitive information

14. Where you have a personal or declarable pecuniary interest and you and the Monitoring Officer consider that it is of such a nature that disclosure of the details of the interest could lead to you or a person connected to you being subject violence or intimidation then:
- (a) if the interest is entered on the Council's Register, copies that are made available for inspection and any publishes version of the Register must not include details of the interest but may state that you have an interest details of which are withheld under this provision.
 - (b) if by virtue of this Code you are required to disclose an interest at a meeting then that requirement shall be amended to only require disclosure that such an interest exists in respect of the matter concerned, but not the terms of that interest.

The 10 General Principles of Conduct

Members are reminded of the 10 General Principles of Conduct (as set out below), which govern the conduct of members.

1. **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and Integrity** - Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
6. **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.
8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
10. **Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. For those purposes `Disclosable Pecuniary Interests` are defined as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

<i>Interest</i>	<i>Prescribed description</i>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

5B. Code of Conduct for Council Employees

Summary of the Code of Conduct

The Code is intended to provide guidance on standards of conduct.

The Code covers:

1. Introduction
2. General Standards
3. Financial and Non-Financial Interests including:
 - acceptance of hospitality and gifts
 - outside work and private interests
 - contracts sponsorship
 - interests with applicants for employment
4. Relationships with colleagues, managers, councillors, contractors, the press and the public.
5. Health and Safety
6. Equal Opportunities
7. Confidentiality to protect the Council's interests and client's interests.
8. Care of money and property
9. Political neutrality and political restrictions
10. Responsibilities of all Corporate Directors and Directors

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 - 1.1. Purpose of the Code
 - 1.2. Application of the Code
- 2. General Standards**
 - 1.3. Official Conduct
 - 1.4. Political Neutrality
 - 1.5. Duty to report failure in service standards.
- 3. Financial and Non-Financial Interests.**
 - 1.6. Duty to declare certain contractual interests.
 - 1.7. Corruption
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 - 1.30. Political Restrictions
- 10. Responsibilities of all Corporate Directors and Directors**

1. Introduction

1.1. Purpose of the Code

To provide guidance for all employees of the Council on the standards expected of them in the performance of their duties.

To bring together existing laws, regulations and conditions of service to provide a comprehensive collection of the requirements of which employees should be aware.

In most circumstances conduct in breach of this Code will also be misconduct under the Disciplinary Procedure.

1.2. Application of the Code

The Code applies to all Harrow's employees with the exception of teachers. Inevitably it will affect certain senior officers more than others but all employees should be aware of the contents of the Code and its importance. All activities carried out under a contract of employment with the Council or on behalf of the Council are subject to the Code. This includes activities carried out on behalf of the Council involving other organisations or local authority controlled or influenced companies.

1.3. Official Conduct

Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained and must not bring the Council into disrepute.

Local Government employees are expected to give the highest standard of service to the public. The contract of employment is with the Council as a whole and all employees must perform their work impartially to members of the public, other employees and Councillors of all political parties.

1.4. Political Neutrality

All the individual rights of Councillors must be respected, and services, support and advice must be made equally available to all political groups. Minority political groups are entitled to the same level of advice and support as the controlling group on the Council. (See also paragraph 9.2).

Certain local government employees may be contractually required not to undertake certain "political activities" (see Para 9.3), but in addition all employees whether restricted or not must follow the lawfully expressed policy of the Council and must not let their own political or personal opinions or beliefs interfere or be apparent in the way that they work, for example, in emails and correspondence.

1.5. Duty to Report failure in Service Standards

Employees must bring to the attention of the relevant Director any impropriety, breach of procedure or failure of the manner in which services are being provided, without fear of recrimination.

2. Pecuniary and Non-Pecuniary Interests

2.1. Duty to Declare Certain Contractual Interests

2.1.1. A failure by an employee to declare a pecuniary interest in a contract which the Council is considering entering into or has entered into may be a criminal offence. Section 117 of the Local Government Act 1972 provides that if an employee knows that a contract in which they have a pecuniary interest, whether direct or indirect is before the local authority they must give notice of that interest to the authority. Notice shall be given to the relevant Corporate Director and the particulars of the interest shall be entered into the register held by the Corporate Director. The register is open to inspection by Councillors insofar as there is a legitimate reason for such inspection.

2.1.2. Employees who have an interest in a company or other organisation with which it is likely or possible that the Council will enter into a contract in the future are advised that they must give prior notice of the interest in the company. Separate later notice of each contract entered into is also required, under the provisions of the Act.

2.1.3. It is particularly important that if an employee is considering becoming involved or has become involved with an organisation to provide services to the Council, that that interest is disclosed at an early stage and certainly before any decisions have been taken over the tendering and selection procedures. No further part can be taken by an employee who has such an interest in the formulation of an internal bid for the provision of services under Compulsory Competitive Tendering, Voluntary Competitive Tendering, or other similar procedures.

2.2. Corruption

There are certain statutory provisions which back up the general requirement on all employees that all benefits which result from the performance of duties on behalf of the Council may only come officially by proper remuneration.

- (i) Section 117 (2) of the Local Government Act 1972 forbids an employee to accept "any fee or reward whatsoever" other than proper remuneration and can be a criminal offence.
- (ii) All employees, and other associated persons acting on behalf of the Council, are prohibited from offering, promising, giving or

accepting any bribe either within the Council or from or to a third party organisation, in accordance with sections 1 and 2 of the Bribery Act 2010. Such bribes may relate to the improper performance of duties to gain advantage for the Council or personal advantage, financial or otherwise, for the individual, or anyone connected with the individual.

2.3. Additional "Outside" Employment

2.3.1. Employees on Scale G7 or above are required by their contract of employment to seek prior written approval before accepting any work, whether paid or unpaid, outside the Council. Approval must be sought from the Director. Failure to obtain consent is a breach of the terms of the contract of employment.

Even where approval is given it will be on the basis that it will not be to the detriment of the work for the Council and will not in any way be in conflict with the interests of the Council.

If there is any possibility of conflict with the interests of the Council, employees below Scale G7 are required to seek approval from the Director. Employees must ensure that the additional work will not affect their work for the Council.

Approval for private work must be sought and obtained on a 3 yearly basis regardless of whether or not there has been any change in circumstances. If an employee's position with the Council or the nature or scope of the private work changes in any way, approval must be sought from the Director in order to continue to pursue the private work.

2.3.2. No office facilities, including IT facilities, or information owned or held by the Council may be used for the purposes of "outside" use or employment. It is irrelevant whether or not the work is paid. Prior authority should be obtained for all situations where facilities or information are intended to be used. Employees should also take care not to infringe any copyrights or intellectual property rights held by the Council. Guidance should always be sought where there is any doubt as to what is permitted e.g. supplying information to local authority associations, professional groups.

2.3.3. Corporate Directors will maintain registers of all approval given.

2.4. Hospitality

2.4.1. Hospitality should not be accepted unless the employee is representing the Council. In these situations, the hospitality accepted must be commensurate with the occasion and no more than is reasonable.

Where it is necessary to decline an offer of hospitality this should be done courteously but firmly and the person or organisation

informed of the procedures and standards operating within the Council.

- 2.4.2. Great care must be taken when considering whether to accept an offer of hospitality from a person or body in a contractual relationship with the Council. This is particularly so where such a relationship is being sought or a contract is being considered for renewal. Authorisation to accept any such hospitality should be sought from the appropriate Director. When receiving authorised hospitality employees should be sensitive to the timing of decisions for letting contracts for which the provider is bidding.
- 2.4.3. Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, and where the Director has given consent in advance after being satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc., are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. A record of hospitality received must be maintained in the register held by the Corporate Director.

2.5. Gifts

- 2.5.1. It is very important that an employee does not put themselves in a position of being suspected of dishonesty. The difference between accepting a bribe (a criminal offence) and accepting a "thank you" present for work done in a continuing relationship is very slight. To accept any reward means running a risk of a serious accusation being made. The motives of those offering rewards must always be suspected. The acceptance of a gift from those who are vulnerable and in receipt of services equally runs the risk of a serious accusation being made.

The basic rule is that employees are paid for carrying out their jobs well and that no further reward should be given or accepted.

- 2.5.2. It could arise that an employee is provided for in the will of a former service recipient. It is, of course, quite improper for such a gift to be solicited in any way. If an employee becomes aware at any time that they are provided for in the will of any person in receipt of services from the Council then their Director should be informed immediately. If a bequest is received then the member of staff should discuss with the Director whether it is appropriate for the bequest to be retained. This is not considered to be a matter on which more specific advice can be given and if such an occasion ever arises it will have to be considered at the time. What is considered to be important, in order to protect an employee from accusations of improper conduct, is that the issue is dealt with openly and with the Director being kept fully informed.

- 2.5.3. Unsolicited gifts are sometimes received, particularly over the Christmas holiday period. All significant gifts should be returned or passed immediately to their Director. Insignificant gifts, such as pens, calendars or diaries may be retained. If the employee is in any doubt the Director should be consulted. If the Director decides that a significant gift can be retained to be shared amongst staff or passed to a charity a record of the gift and the donor should be kept. Consideration should be given to informing the donor of the method chosen for the distribution of the gift. Where the Director feels that it is inappropriate for the gift to be retained, it must be returned to the donor.
- 2.5.4. Particular care must be taken when considering whether to accept gifts from contractors who are or will be seeking to obtain contracts from the Authority.

2.6. Sponsorship

- 2.6.1. Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must again be taken when dealing with contractors or potential contractors. Offers of sponsorship must be brought to the attention of the Director.
- 2.6.2. Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.
- 2.6.3. Corporate Directors will maintain a register of interests.

2.7. Compliance with Contract Procedure Rules and Financial Regulations

The Contract Procedure Rules regulate the content of contracts and the procedure for entering into contracts on behalf of the Council. The Financial Regulations and Financial Standards of the Authority again provide detailed guidance as to what is expected of all employees. Both Contract Procedure Rules and Financial Regulations are set out in full in the Constitution.

All employees are expected to be aware of the content of these documents insofar as they relate to the job being undertaken. It is the responsibility of Corporate Directors to ensure that appropriate training is given and that employees are aware of the applicability of Contract Procedure Rules, Financial Regulations and Financial Standards.

2.8. Recruitment and Selection of Employees

2.8.1. Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible appearance of bias, employees should not be involved in an appointment where they are related to an applicant or have a personal relationship outside work with them.

The Council's Recruitment, Selection and Appointment Procedures must be followed for all appointments. It is the Council's policy that all employees involved in appointments should have received training and be fully aware of the requirements of this Procedure.

2.8.2. There is a requirement for all candidates for an appointment to disclose any relationship to a member of the Council or a senior employee. This obligation is referred to on all job application forms. There is a similar obligation (Section 4a of the Harrow Scheme for Pay & Conditions of Service Vol.2 on every "senior officer of the Authority ... (to) similarly disclose to the Authority any relationship known to them to exist between themselves and a candidate for an appointment of which they are aware". The appointing Director and Director of Human Resources should be made aware of any such declaration.

2.8.3. Every senior employee, i.e. employees paid G9 or above, shall disclose to the Director of their department any relationship known to the officer to exist between themselves and any candidate for appointment to the Council.

2.9. Employment Decisions

Employees should not be involved in decisions relating to discipline, grievance, promotion or pay adjustments for any employee who is a relative, partner or close friend. It is important that employees do not allow the impression to be created that a decision may have been taken for an improper reason. It is not sufficient that the decision was properly taken; the possible appearance of bias must be avoided.

2.10. Pecuniary Interests

Certain interests in contracts if not disclosed may make an employee liable to a prosecution (see para 3.1). In addition all employees are expected to disclose all pecuniary interests, which could conflict with the interests of the Council. No actual conflict need arise.

It may not always be clear whether an interest might conflict. Circumstances may change after the interest is obtained which make it more likely that conflict will arise.

It is most likely that a pecuniary interest will arise from investments made in a company which may contract with or be in competition with local authorities or which arises from "outside" employment. (See also para 3.3.

- notice of other employment). Notice should be given to the Director. Advice should be sought if the employee considers there is any element of doubt as to whether the interest should be declared or not.

The pecuniary interests of the employee's family and friends may, depending on the circumstances, also be notifiable to the Director. The test is whether the interest and the relationship is such that a member of the public might reasonably consider that the employee would be influenced by the interest and might not therefore always be acting impartially on behalf of the Council. The likelihood of the employee being able to influence a decision or otherwise influence the delivery of a service would also be a relevant factor to take into consideration. Where the Director considers it to be advisable, the employee will take no further part in procedures, which they have an interest in. All such interests will be recorded in the register of interests kept by the Corporate Director and available for inspection by Members of the Council.

2.11. Non-Pecuniary Interests

All other non-pecuniary interests should also be declared to the Director where it is considered that the interest could be in conflict with the interests of the Council.

Examples of such interests are:

- (a) school governor of a school maintained by the Council
- (b) involvement with an organisation receiving grant aid from the Council
- (c) membership of a National Health Trust
- (d) involvement with an organisation or pressure group which may seek to influence the policies of the Council

All such interests will be recorded in the register of interests kept by the Corporate Director and available for inspection by Members of the Council.

The interests of the employee's family and friends may, depending on the circumstances, also be notifiable to the Director. The test is whether the interest and the relationship is such that a member of the public might reasonably consider that the employee would be influenced by the interest and might not therefore always be acting impartially on behalf of the Council. The likelihood of the employee being able to influence a decision or otherwise influence the delivery of a service would also be a relevant factor to take into consideration.

2.12. Personal Interests

Employees must declare to their Director membership of any organisation which is not open to the public without formal membership and

commitment of allegiance and which has secrecy about rules or membership or conduct.

The definition of what constitutes a secret society for the purposes of this code is as follows:

“Any lodge, chapter, society, trust or regular gathering or meeting which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust, gathering or meeting and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion”.

3. Relationships

3.1. General

The Council expects employees to maintain good relationships with colleagues and members of the public. Employees should respect the rights of others and in particular should act in accordance with the Council’s policy on harassment. The Council is committed to creating an environment in which people can work together in harmony and condemns all forms of harassment and expects all victims to be given the help and assistance that it is within the power and policies of the Council to provide.

3.2. With Colleagues

All employees are expected to apply the same high standards of conduct in their dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.

Employees should not use their position with the Council improperly to take advantage of other employees.

3.3. With Managers

All employees have a joint responsibility to ensure good working relationships. The manager is expected to provide feedback on performance, give advice on how improvements can be made, define what

is expected from an employee and deal with concerns about the work. For some employees there are formal procedures but even where formal procedures do not exist managers are expected to provide this assistance in an appropriate manner (formal or informal).

Managers are expected to provide support for employees in the performance of their duties, including assistance where necessary, in dealing with other employees or the public.

Employees should carry out all reasonable and lawful instructions to the best of their abilities. Documents and records should be kept in an honest way and never altered, damaged or falsified. No matter should be concealed which it is known should be reported.

Claims or allegations against other employees should be raised with the Manager in accordance with Council procedures. Matters may also be taken up with the trade union representative.

3.4. With Councillors

Councillors' enquiries should be dealt with politely and efficiently. Councillors should deal with all employees courteously and reasonably. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity can damage this relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

If a Councillor makes a request of an employee, which is considered to be improper, or contrary to agreed procedures or one, which cannot reasonably be carried out, the senior manager should be informed immediately.

No personal matters to do with an employee's job should be raised with Councillors directly but should be referred through the accepted Council procedures. In the same way allegations or claims about other employees should be referred to the appropriate manager and not raised directly with Councillors.

Employees should not use Councillors to by-pass formal Council procedures in any way, for example, to influence the outcome of a disciplinary action.

3.5. With Contractors

Reference has been made in many parts of this code to the need for care when dealing with contractors or potential contractors. The appearance of familiarity should be avoided. Careful records should be kept of all meetings, recording the purpose and outcome of meetings. There may be occasions when it is advisable to be accompanied.

Guidance on the acceptance of hospitality and gifts should be carefully observed. Procedures relating to the seeking, opening and selection of

contracts must be strictly followed. If at any time an employee considers that a contractor or potential contractor is trying to unduly or improperly influence the consideration of a tender then a senior manager must be informed immediately.

The above paragraphs also apply to contact with consultants and suppliers.

3.6. With the Media and Social Media

- 3.6.1. Employees should know whether they are expected to respond to requests for information from the press or other media. If in doubt the request should be referred either to the Council's Communications Team or to a senior manager. The gratuitous release of information to the Press should only be done or authorised by an Corporate Director / Director or the Communications Team.
- 3.6.2. If an employee considers that improper pressure is being applied to release information, a senior manager should be informed immediately.
- 3.6.3. No information should be released which is confidential or which could be used to the detriment of the interests of the Council to any person or outside body. Confidential is defined as any matter, which could be classed as exempt under the Access to Information Rules in this constitution. If an employee has any doubts about whether information should be released advice from a senior manager should be sought.
- 3.6.4. If an employee wishes to write any articles or give interviews relating to the work of the Council or which identify the author or speaker as an employee of the Council prior permission must be obtained from their Director. If an employee wishes to speak or write in a private capacity on a matter unconnected with the Council, then the rules on additional employment must be followed. Employees must not use Social Media to bring the authority into disrepute.

3.7. With Service Users and the Public

- 3.7.1. All members of the public should be treated with courtesy, respect and helpfulness at all times whether on the phone, in writing or in person.
- 3.7.2. Employees should present a positive attitude and manner and dress in an appropriate way. If specific dress rules exist these should be followed. If no such rules exist then clothing which is appropriate to the job and which portrays a positive attitude to the service should be adopted.

3.7.3. At no time should an employee's behaviour or actions damage public confidence in the employee's honesty or integrity as a Council employee. Information acquired through work must not be misused or improperly disclosed. An employee's position with the Council must not be abused or taken advantage of.

3.8. With External Organisations - Health Trusts, Police, Voluntary Organisations etc.

3.8.1. The Council expects employees to establish and maintain effective working relationships with representatives of external organisations. Employees must have due regard to Council policies concerning disclosure of information, acceptance of hospitality, maintenance of records, etc.

4. Health and Safety

The Council accepts and will meet its statutory obligations by making every reasonable effort to provide a safe and healthy working environment and to ensure that all reasonable steps are taken to protect the health and safety of its service users.

All employees are expected to know and to follow all appropriate health and safety requirements. It is the responsibility of managers to arrange appropriate training.

5. Equal Opportunities

5.1. It is the policy of the Council that there shall be no discrimination in recruitment, employment conditions, training or promotion

5.2. All employees have a duty to co-operate with the Council and to promote equal opportunities within their own spheres of responsibility

5.3. Managers must observe and promote the Council's Equality of Opportunity policy and ensure that they observe all relevant Council policies and procedures.

5.4. Corporate Directors and Directors are responsible for implementing and promoting equal opportunities within their departments.

6. Confidentiality

It is accepted that open government is best and is the aim of the Council. The law requires that certain types of information are available to Members, auditors, government departments, service users and the public. Members of the public have the right to certain information under the Freedom of Information Act.

Guidance is given in the Council Constitution as to the information which Councillors are entitled to receive and the grounds on which information can be withheld from the public. If an employee is in any doubt as to whether information should be released guidance from their Manager should be sought.

There is certain information which should be treated as highly confidential and which work colleagues and Members should only be able to see on a strict need to know basis. Some departments already have procedures for dealing with such information and Managers are responsible for ensuring that employees are aware of any such requirements.

Three categories of information in particular should be treated with care:

- (a) Personal information relating to clients, service users or third parties. Recipients of services often have to provide detailed and personal information, which is given and received on the basis of confidentiality. It would be a complete breach of confidentiality if this information were to be revealed to any person who did not have a need to know.
- (b) Personal information relating to employees, for example, confidential references or disciplinary records.
- (c) Financial or other information, which could prejudice the interests of the Council if, revealed. Particular care must be taken of information relating to the selection of contractors and the contents of bids or tenders received. Where internal bids are made under Compulsory Competitive Tendering or Voluntary Competitive Tendering arrangements, the Director is responsible for ensuring that responsibilities of the client side and the contractor side are clear and do not overlap. Employees are not permitted to take advantage of their position within the Council to gain an unfair advantage.

Employees must take care that all information obtained in the course of their employment is not used for personal gain or benefit and nor should it be passed on to others who might similarly gain or benefit.

Particular care should be taken with personal data which is subject to the requirements of the UK GDPR and the Data Protection Act 2018.

7. Working with the Council's Money and Property

7.1. Care of the Council's Money and Property

7.1.1. The property of the Council may only be used for the purposes of the Council and not for personal benefit. At one level this means that private telephone calls should be recorded and paid for and equipment and stationery should not be put to personal use or taken home. At a higher level this means that in carrying out one's job care must be taken to protect the Council's interests, money and property. For example, faults in equipment or concern about possible fraud by others should be reported.

7.1.2. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property.

- 7.1.3. An employee should not withhold money from the Council for any reason where no legal basis exists for so doing. There may be circumstances where it is not possible for an employee to continue in a job where money is owed, for example, an employee involved with the collection of Council Tax should not personally owe Council Tax to this or any other Council. An employee must not make fraudulent claims for financial assistance from this or any other local authority. To do so, may make it impossible for an employee to continue in his/her position with the Council.
- 7.1.4. When an employee ceases working for the Council all papers and other records, equipment and any other property of the Council must be returned.

7.2. Ownership of Intellectual Property

“Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer”.

- 7.2.1. Knowledge and information held by the Council is equally the property of the Council and must not be used for the purposes of "outside" employment.
- 7.2.2. The Council owns the copyright to printed material and computer programs, which it has developed. To release this information can be just as damaging to the interests of the Council as theft. Care must be taken over the less tangible assets of the Council in the same way as other assets.

7.3. Care of Clients' Money and Property

It is necessary to follow procedures, which can demonstrate that full, and proper care has been taken.

Where procedures already exist they must be adhered to. In the absence of formal procedures, employees must carefully record all property, consider the advisability of a witness and if in any doubt seek further advice from the manager.

8. Political Neutrality and Political Restrictions

8.1. Advice to Members

- 8.1.1. In para 2.2 above reference was made to the fact that employees are employed by the Council and do not work to assist the majority political group or any other political group. There are a few employees who are employed in an administrative/secretarial capacity to provide direct support to the political groups. Subject to this exception advice and other assistance must be freely available to members of all groups.

8.1.2. The rights of Members to information are set out in the Council's Constitution. If any employee considers that grounds exist to refuse a request for information or if the cost of collecting the information is too high then reference to an appropriate Committee of the Council may be needed. Advice from their Director should always be sought in such circumstances.

8.1.3. Employees must provide advice and assistance to all groups equally. Advice should always be given as openly as possible. There are a few limited circumstances where it is accepted by the political groups that confidential advice to one group only can be given. This is a convention only. These circumstances relate to advice on procedural matters relating to a meeting of Council or of a Committee and to the drafting of motions to Council. Very few employees would be involved in giving such confidential advice.

8.2. Political Neutrality

All employees should be on their guard to avoid co-operating with or becoming identified with the political actions of any of the political parties whilst engaged in their Council duties.

With the exception set out in respect of senior employees at para 9.3 employees have the same freedom as other members of the community to engage in political activities not involving their Council duties. However, employees must avoid being involved in any activity, which may make it more difficult for them to be seen to be carrying out their duties impartially. This can be a sensitive and difficult area for example during a pre election period and employees should seek the advice of a senior manager.

8.3. Political Restrictions

The Local Government and Housing Act 1989 contains provisions to stop "twin-tracking" and to restrict the political activities of senior employees. Twin tracking arises where a Councillor in one Authority is at the same time an employee of another Local Authority. If any employee is in any doubt whether they are subject to political restriction advice should be sought from their manager. Exemptions from the effect of restrictions may be obtainable. Holders of restricted posts are disqualified from becoming a councillor of any local authority and from becoming an MP or MEP. They are also prevented from certain other political activities such as canvassing and speaking publicly in support of a particular political party.

The political restrictions are deemed to be incorporated into the contracts of employment and breach of the restrictions is a breach of contract.

9. Responsibilities of all Corporate Directors and Directors

9.1. To ensure all employees including newly appointed employees are aware of and understand the importance of this Code.

- 9.2.** To ensure all appropriate employees are familiar with and understand the Contract Procedure Rules, Financial Regulations and the Financial Standards of the Council.
- 9.3.** To ensure that all employees involved in the recruitment selection and appointment of Staff are familiar with and understand the Code of Practice.
- 9.4.** To ensure that the Health and Safety requirements of the Council are fully understood by all employees with responsibility for their operation.
- 9.5.** To maintain the following records:
 - (a) All decisions relating to approval/non approval for the performance of outside work by employees see para 3.3.
 - (b) The acceptance by any employees of hospitality or of any significant gift by an employee or on behalf of a group of employees (see paras 3.4. and 3.5).
 - (c) Any non-pecuniary interest, potential pecuniary interest or interest in a sponsorship deal declared by an employee, see paras 3.6, 3.10 and 3.11.
 - (d) Any personal interest declared by an employee see para. 3.12.

In addition the Head of Paid Service shall, where relevant, maintain a record of the pecuniary interests of employees of the Council.

All the interests declared with the exception of (c) above shall also be recorded in the personal files of the employee. All employees have the right to know what interests have been recorded that concerns them and the detail of any entry. They may ask for entries to be corrected if necessary.

C. 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 at 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:
 - 2.2 avoid personal attacks on officers
 - 2.3 ensure that constructive challenge is presented in a reasonable manner.
 - 2.4 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.
 - 2.5 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:

- 6.5 Senior officers are in a better position to provide authoritative information or advice;
- 6.6 They need to be aware of any questions or complaints raised by Councillors;
- 6.7 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
- 6.8 They are able to investigate and deal with any shortcomings there might be at the point of service delivery
- 6.9 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.
- 6.10 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

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.

- 7.1 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.
- 7.2 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.
- 7.3 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected to raise the matter with the relevant director or head of paid service.
- 7.4 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.

D. Code of Recommended Practice on Local Authority Publicity

Introduction

1. This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.
2. Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.
3. Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

4. Publicity by local authorities should:-
 - be lawful
 - be cost effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

Lawfulness

5. Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.
6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.
8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.
9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost effectiveness

10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.
11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.
12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.

13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.
14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.
16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.
17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.
18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-handedness

19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.
20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or

attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.

21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.
22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.
23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.
24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.
25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate use of publicity

26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.
28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newssheets or similar

communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newsheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.

29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.
30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newsheets or similar publications published by the local authority, should do this on the front page of the publication.

Equality and diversity etc

31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care during periods of heightened sensitivity

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.
34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

E. Protocol for Members and Reserve Members when dealing with Planning Applications and Lobbying

1. Introduction

In making any determination under the Planning Acts, Members of the Council sitting on the Planning Committee should have regard to the development plan (the Unitary Development Plan) and shall determine applications in accordance with the development plan unless material considerations indicate otherwise. Members must do this by balancing the needs and interests of the whole community and of individual constituents, alongside the need to maintain an ethic of impartial decision making on what may be highly controversial proposals.

The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision is biased, is not impartial or not well founded in any way.

1.2 When does this Protocol apply?

This Protocol applies to Members at all times when involving themselves in the planning process, including planning appeals and planning enforcement. While this will normally be relevant for members (and reserves) on the Planning Committee, it will also apply to **all** Council members at Council meetings if they exercise any functions of the Planning Committee or in determining planning applications, appeals, enforcement and any other planning issues.

1.3 The requirement for Member training before serving on the Planning Committee

Planning legislation and guidance can be complex. The Local Government Association (LGA), the Nolan Committee and the Royal Town Planning Institute all recommend that Members who have to make planning decisions should be specifically trained. The LGA updated its general guidance for Probitry in Planning in 2013.

Members serving on the Planning Committee must undergo training (which may be in a variety of alternative forms) validated and approved by the Planning Department before serving on the Committee, and must be updated regularly on changes to legislation or procedures. This training will be evidenced by records signed by the Member (e.g. attendance book)

2. Members' Interests and the Code of Conduct

2.1 Relationship of the Protocol to the Members' Code of Conduct

This Protocol supplements the Members' Code of Conduct (referred throughout this Protocol as "the Code") which applies to all their work as Council Members. Therefore Members must apply the Code and this Protocol to any activity of a Member in relation to decisions of the Planning Committee. A breach of the Code of Conduct may result in a complaint to, and/or an investigation by the Council's Governance, Audit, Risk Management and Standards Committee (GARMS).

Failure to follow the recommendations within this Protocol and the Code may also lead to an investigation by the Local Government Ombudsman into possible maladministration by the authority.

2.2 The registration of interests

Members must complete a '*Register of Interest*' form as set down in the Code. They must review their register entry regularly and notify the Monitoring Officer of any change within 28 days.

2.3 Hospitality

Members must be very cautious about accepting gifts and hospitality, especially in relation to planning applications. The Code requires Members receiving gifts or hospitality (in their capacity as members) over the value of £100, to provide details to the Monitoring Officer, for inclusion in the '*Register of gifts and hospitality*'. This notification must be made within 28 days of receiving the gift or hospitality.

3. Declaring an interest

Members must consider whether they have an interest in a matter under discussion, and if so, what type of interest it is.

Members must declare any disclosable pecuniary interest. The definition of what constitutes a disclosable pecuniary interest is set out in detail in the Code at paragraph 8 and Appendix 2.

Paragraph 9 of the Code sets out the effect of a disclosable interest on a members participation at a meeting or any other decision making process.

Other Interests

There is a duty on Members to register other types of interest and to further the principles in the Code of integrity, objectivity, accountability and to avoid any allegations of personal bias, Members should declare such interests wherever relevant to the matter being determined.

In accordance with the Code, if you attend a meeting at which an item of business is to be considered and you are aware that you have another type of interest in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

You have another type of interest in an item of business of your authority where – a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or it relates to or is likely to affect any of the interests listed in the Table in Appendix 2 of this Code, but in respect of a member of your family (other than a relevant person) or a person with whom you have a close association.

Dispensations

In cases where a member has a disclosable pecuniary interest, they may still be able to participate and vote at a meeting if they have obtained a dispensation from the GARMS. See paragraph 11 of the Code for full details

3.1 Planning applications affecting Members of the Council

If a planning application affects a Member, either because they or a relevant person own the land or part of the land affected, or the proposal will affect their land or that of a relevant person, or they wish to act as an agent for the person(s) making the proposal, that Member must inform the Chief Planning Officer of the application immediately.

The notification must state the application which affects the member's land, and the nature of the interest. It must be in writing, by letter, fax or e-mail. The notification should be made not later than the submission of the application, or as soon as the Member becomes aware of it, if s/he acquires such knowledge after submission.

This will enable the Chief Planning Officer to ensure that the interest is included on the agenda sheet for the relevant meeting. The interest will be included under the 'Declaration of interests' heading. Members must also orally declare the interest at the meeting.

This will help all Members decide, early on, whether or not they can participate in a decision.

3.2 Members of the Council who are not members of Planning Committee

Ward members wishing to speak in this capacity at Planning Committee meeting may do so provided they do not have a disclosable pecuniary or other interest. They will also require the agreement of the Committee (Committee Procedure Rule 4.1 refers).

The Member must tell the chair that they wish to speak in that capacity at the start of the meeting and must not sit in the Member seating area during the meeting so that members of the public can clearly see which Members are Members of the Committee and which are not.

A space will be reserved for backbench Members at the committee table, and when the relevant item is to be discussed, the backbench Member will be called to sit at the table, will take part in the discussion of that item, and will then withdraw from the table before the decision is taken

3.3 Interests of Cabinet and/or Executive Members

Where an application is made in which the Cabinet or Executive have an interest, any member of the Planning Committee who is also an Executive Member must carefully consider whether they have a disclosable pecuniary or other type of interest.

4. The roles of members in planning decisions and the role of officers in supporting them

4.1 The role of elected Members

Elected members serving on the Planning Committee determine planning applications and enforcement issues. When members are taking decisions relating to planning issues they must listen carefully to all the arguments in favour and against each proposal and must:

- Act fairly and openly;
- Approach each application with an open mind;
- Carefully weigh up all relevant issues;
- Consider the professional advice of officers;
- Determine each application on its own merits;
- Ensure that there are clear and substantial reasons for their decisions and that these are clearly stated;
- Ensure decisions are proportionate;
- Ensure respect for human rights.

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views may be strongly held by those involved. Whilst Members should take account of these views, they must not favour any person, company, group or locality, nor must they put themselves in a position where they appear to do so.

The setting of planning policy is the function of the Executive, and members of Cabinet must comply with the same criteria when taking planning policy decisions. Although this protocol is specifically intended for those Members dealing with planning applications, it is generally as relevant to those sitting on the Executive, who should have training in planning matters before taking planning decisions.

4.2 The role of officers in relation to member decision making

Officers will advise and assist members in developing planning policy and in determining applications and enforcement issues by:

- Providing impartial and professional advice;
- Making sure all the information necessary for the decision to be made is given;
- Providing a clear and accurate analysis of the issues;
- Setting the applications and enforcement issues against the broader Unitary Development Plan policies and all other material considerations;
- Giving a clear recommendation;
- Carrying out the decisions of the Planning Committee;
- Carrying out the decisions of the ;
- Determining applications under powers delegated to them by the Council.

Where Members have factual questions about development proposals, it is very helpful for these to be put to officers, where possible, before the meeting. Not only can officers make sure all the information is obtained in response, but it also helps the effectiveness and efficiency of the committee meeting.

5. Lobbying (including representation and communication)

5.1 Lobbying of Members by applicants or objectors

It is quite common for applicants or other interested parties to wish to discuss a proposed development with elected Members before the determination of a planning application. By the same token, those affected by a proposed decision may seek to influence it through an approach to their elected ward councillor or a Member of the Planning Committee.

Members who are likely to be directly involved in taking planning decisions must, therefore, explain to lobbyists that, whilst they may listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or the other when the application is considered by the Planning Committee.

Lobbying can be perceived to affect the impartiality and integrity of a Member. In order to avoid that perception, members are advised to:

- Avoid meeting an applicant, potential applicant, or objector alone;
- Listen to any representations made but not make it known in advance of the Planning Committee or meeting whether they are minded to support or oppose a proposal;
- Restrict any response they do give to procedural advice;
- Direct lobbyists or objectors, including written representations, to planning officers who can include reference to their opinions in the report;
- Not pressurise officers into making a particular recommendation in the report;
- Notify the Chief Planning Officer of the existence of any lobbying interests;
- Notify the Chief Planning Officer of any interest they have in the application.

Members of the Planning Committee should not actively campaign either for or against planning applications.

Members should feel free to ask questions of officers in order to clarify their understanding of the proposals.

A Member who feels they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) should tell the Monitoring Officer who can advise the relevant officer to take the matter up with the person concerned.

A Planning Committee member who does not represent the ward affected will find it easier to take an impartial stance on an application. A member who represents the ward concerned, possibly one who has also been campaigning for or against the proposal will find it difficult to argue, when the decision is taken at the Committee, that they have weighed up the arguments for the first time at the meeting. They should therefore declare an interest and not take part in the vote.

The responsibility for striking the right balance in this process lies with the individual member.

5.2 Discussions with potential applicants.

Potential applicants are encouraged to hold pre-application meetings with officers, but in order to avoid the perception that these are, or have become, a part of the lobbying process, these meetings:

- Should be at officer level;
- Will be at a forum prescribed for the purpose if they involve members;
- Where potentially contentious, will be attended by two officers including the Chief Planning Officer or his representative.

A note of the discussion will be taken and be kept on file and made available for inspection at the appropriate time.

It will be made clear that the discussions will not bind the Council and that any views expressed are personal and provisional based on the Unitary Development Plan.

It will be made clear that at such meetings all the relevant information may not be at hand and formal consultations with interested parties will also be taking place.

It will be made clear whether or not members or officers will consider the application.

Members of the Planning Committee should generally avoid meetings with applicants or potential applicants and should seek officer advice before making any commitment to do so.

5.3 Member Site visits

Site visits can be useful to identify features of a proposal that may be difficult to identify from the plans and supporting material; where there are features of the proposal which are difficult to convey in a written report, or the proposal is particularly contentious. However, site visits may delay an application, and therefore will only be authorised where the expected benefit of so doing is substantial and/or where there are significant and complex policy implications.

The approach taken by Harrow Council is for site visits comprising an organised inspection by the committee members with officer assistance. Informal visits to view the site from the public domain can often be helpful to familiarise members with the issues to be considered, but members should avoid making contact with applicants, property owners or objectors in such circumstances.

Site visits by members alone at the request of applicants or objectors should not be undertaken and may lead to accusations of impartiality and maladministration.

A revised Procedure Note for Member Site Visits was agreed by Planning Committee in May 2007 and is attached as **Annex 1**.

6. Early Engagement on Strategic Applications

Since 2003 the complexity of the planning process has increased considerably particularly in respect of major applications which can require Environmental Assessments, Access and Design Statements, Transport Assessments, Viability 'Toolkits', Energy Statements, Children's Play statements etc. The numbers of major applications which are currently in the pipeline is far above what has previously been the norm for the authority, and the pressure to deal with these in a timely manner within Government targets remains.

To enable members to understand large scale applications and their implications the officers consider that they should have the opportunity to ask questions, raise issues and meet applicants, both prior to submission and between submission and determination. However, to avoid any problems of probity this engagement needs to be carefully managed. This approach is recommended in a leaflet published by London Councils, The Government Office for London and London First in November 2007 and attached as **Appendix 2**.

Officers recommend that applicants for major strategic schemes should be invited to make a presentation to members of the Committee and reserves, at which they should explain their proposals and answer questions of fact. Such presentations may also involve a site visit, and where necessary site visits for strategic proposals should be arranged prior to Committee meetings where the proposal is to be considered. At such presentations there should be no debate about the merits or otherwise of the scheme.

At least one senior officer should be present at all such meetings and may be called upon to answer any factual questions about policy issues etc.

Such meetings can be at either pre- or post-application stages and in some instances both may be appropriate. Similar meetings may also be arranged for ward/backbench members and members of the Executive.

7. Committee Meetings

7.1 Officer reports to Committee

To ensure that the Council is not accused of inadequate consideration of the issues, or inconsistent decision-making or non-existent reasoning behind a recommendation, the following rules will be followed in the preparation of reports for committee:

- Reports must be accurate and cover, amongst other things, the objections, the views of those consulted, and the officer response to consultations;
- Relevant information should include an outline of the relevant development plan policies; site description, proposal description, relevant planning history, applicant's statement (if any) and an appraisal of all relevant considerations;
- Reports must have a written recommendation;
- Information received after the report was finalised will be reported on the printed addendum circulated at the Committee meeting;
- Oral reporting (except where an update is required) should be avoided and carefully minuted where it is necessary;
- Reports must contain technical appraisals, including references to specific clauses of the UDP, which clearly justify a recommendation;

- If the report recommendation is contrary to the Development Plan, the material considerations that justify the departure must be clearly stated.

7.2 Public representations at Committee

Planning Committee is held in public and the Council has a procedure for representations by applicants and objectors. The procedure applies only to applications for planning permission and consultations received from adjoining Councils that are to be determined by the Committee where the application is recommended for approval or 'grant'. It does not apply to applications, which are recommended for refusal or those to be determined by the Chief Planning Officer under his delegated powers. The case officer dealing with the application will be able to say how the application is being determined and by whom, although in some instances this can change, where, for example, the nominated party member requests an application to be considered by the Committee.

The procedures to be applied are as follows:

- No later than 5.00 pm on the day before the meeting, objectors should give the Committee Administrator notice of their wish to speak.

The following criteria will be applied:

- Only one objector on each relevant planning application may normally address the Committee, but in exceptional circumstances two objectors may be allowed to speak;
- a group of objectors will be asked to nominate a spokesperson;
- the applicant or their agent may only make representations if an objector has addressed the committee (if there is none, the applicant or agent will not be permitted to speak);
- any person making representations may speak for a maximum of three minutes. On major or significant applications five minutes may be allowed, but this will be at the discretion of the committee;
- there will be no further verbal exchanges after the representation though members of the Committee may ask factual questions if clarification is needed.

Where the officer is recommending refusal of an application and the Committee is minded to disagree with that recommendation, the application will be deferred to the next meeting in order to allow renotification of consultees to advise them of the opportunity to make representations as outlined in this procedure.

The Committee Administrator will know whether objectors or applicants have asked to speak on an application, though the only sure way of knowing whether representations from objectors or applicants will be heard is to attend the meeting.

Copies of the agenda and reports for Planning Committee meetings are available for inspection five clear working days before the meeting. These can be viewed in the Environmental Information Centre, the library next to the Harrow Council Hub and on the Internet at www.harrow.gov.uk.

There is also a deputations procedure which applies to all other business discussed at Planning Committee.

8. Making the decision

8.1 Making up your mind about planning applications

When Members make their decisions at Planning Committee they must be able to demonstrate that all the relevant facts and arguments have been taken into account. Members must not declare the way they are minded to vote or express any opinion on the merits of the application before their attendance, and formal consideration, at the Planning Committee.

Members should not give a final view on an application before the Planning Committee meeting, as this may lead to the perception that the member has fettered their discretion. This places the Council at risk from a judicial review of the decision.

Even if a member has no disclosable pecuniary or other interest in the matter, if they take a view on it prior to the Planning Committee they should not attend the committee or participate in the decision.

A Member with no disclosable pecuniary or other interests may:

- Listen to and receive viewpoints from residents and other interested parties;
- Make comments to residents, interested parties, other members or appropriate officers provided they do not prejudice the issue and the member makes clear they are keeping an open mind;
- Seek information through the appropriate channels.

The overriding duty of Members is to the whole community not just to the people in their ward, and, taking account of the need to make decisions impartially, Members should not favour, or appear to favour, any person, company, group or locality.

8.2 Development proposals submitted by Members [or Officers of the Council]

Serving Members who act as agents for members of the public or developers pursuing planning matters within the Council must play no part in the decision making process for those proposals.

Similarly, Members submitting their own proposals to the Council should play no part in its processing, though they may explain and justify their proposal to an officer in advance of the Planning Committee meeting in the same way as any other applicant.

Such applications will be reported to Planning Committee for decision, not determined by Officers.

Two particular sets of circumstances that have caused problems for Members in the past are planning applications which involve the land of another Council Member of that Member's party. It is suggested that:

where a planning application includes land owned by a Member of the Council in a Member's political party, they may have an interest in the matter. They should consider not participating in the discussion of the application. This is clearly the safest option for Members:

If an application is made in respect of land adjacent to or nearby land owned by another Member within a member's political party, they may be able to argue that they do not have an interest if they have no knowledge of the scheme, or the impact on the Member other than that reported by officers, and they make no attempt to discuss the issue with anyone prior to the decision at Committee.

8.3 The party whip and discussions at group meetings

A decision on a Committee planning application will take place at the meeting of the Planning Committee when all available information is to hand. This does not prevent Members of the same party discussing proposed planning applications with each other, but a political group meeting prior to the Committee cannot be used to decide how representatives on the Planning Committee should vote. The use of the party whip to try to influence the outcome of a planning application may amount to maladministration.

8.4 Planning Applications by the Council in respect of Council land

The Council itself requires planning permission to carry out or authorise development on land it owns. These applications will be treated in the same way as those from private applicants.

On 15 January 2003 the Planning Committee agreed that applications for minor development of up to 100m² of floorspace on land owned, or where the Council holds an interest, may be determined under the delegated powers of the Chief Planning Officer. This delegation is subject to the proviso that the proposals, in the opinion of the Chief Planning Officer, do not conflict with agreed policies, standards and guidance.

8.5 Reserve members

Where a reserve member attends a Planning Committee meeting, that reserve must determine applications on their merits and cannot be mandated by the absent member.

8.6 Decisions contrary to Officer Recommendations

From time to time, Members may disagree with the advice of the Chief Planning Officer. In such cases it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the officer's advice will be clearly stated, whatever the recommendation, recorded in the minutes of the meeting and a copy placed on the application file.

The officer must be given the opportunity to explain any implications of the contrary decision.

Where an appeal arises against such a decision officers will support the Planning Committee in preparing evidence for the appeal.

Where conditions included in an officer report are amended by the Committee, an officer should be asked to draft the new conditions and these will be approved by the Chair and nominated members via the non-Executive Action procedure. The date of the decision in these circumstances will be the date the non-Executive Action is signed by the last signatory.

9. Complaints

Any issues or concerns arising from this Protocol can be raised with the Monitoring Officer, the Chair of Planning Committee, or the Chair of GARMS.

The Place Directorate also has a formal complaints system in operation which can be used if necessary.

Harrow Council

Procedure Note:

Member Site Visits for Planning Applications and Main Agenda Items deferred by Planning Committee

Notes:

- (a) The purpose of a site visit is to allow Members of the Planning Committee to inspect the sites of deferred planning applications or main agenda items, accompanied by a Planning Officer(s).
- (b) Site visits are intended to:
 - be fact-finding exercises
 - enable officers to point out relevant features
 - enable questions to be asked on site for clarification
- (c) Site visits are not part of the formal consideration of the application and therefore public rights of attendance by neighbouring residents or other parties do not apply (*but see Note (d) below*).
- (d) A site visit will only include a visit to the application site. If a visit to an adjacent site is considered necessary this should be agreed by the Committees when the date for the site visit is selected.
- (e) Members are advised against making their own arrangements to visit applicants or objectors as they may prejudice their ability to take part in the decision-making process, or even the validity of the subsequent decision.

Procedure:

1 **Prior to the Site Visit**

- 1.1 Following the decision to defer an application or agenda item for a site visit the Committee will agree (normally) a date at the end of the meeting.
- 1.2 The Planning Officer will advise the applicant's agent (or applicant where there is no agent) of the details of the site visit, enclosing a copy of this guidance note.
- 1.3 Where the applicant is not the owner of the site, he / she will be asked to advise the owner and arrange access (if required) directly with the owner.
- 1.4 The Committee Clerk will confirm the site visit arrangements in writing to Members and Officers – this may include the provision of a minibus and driver, starting from the Harrow Council Hub, depending on the number and location of the visits and particular access requirements.
If necessary, Members are free to make their own arrangements to meet at the site.

2 **The Site Visit**

- 2.1 On arrival at the application site the Planning Officer will contact the owner or agent to advise of the start of the visit.
- 2.2 The Planning Officer will explain the submitted plans and proposals in relation to the site and any relevant neighbouring land.
- 2.3 The Planning Officer may ask the applicant / agent to explain any discrepancies between the drawings and what is seen on the site
- 2.4 The Planning Officer may also ask the applicant / agent to point out particular features within or adjacent to the site, or to explain aspects of the proposals, but only as an aid to the explanation.
- 2.5 Members may seek clarification from the Officer on matters relevant to the site inspection.
- 2.6 However, Members and Officers should **not** enter into a debate with the applicant / agent (or with any third party - for example, a neighbouring resident) on the merits of the application, or on possible amendments to the proposals. If Members have any concerns or suggestions about the proposals the appropriate forum for these concerns is the subsequent Committee meeting, not the site visit.
- 2.7 Members may, of course, express concerns to the attending Planning Officer, but such concerns would only be informal in nature and should not be discussed on site with the applicant / agent or any third party.
- 2.8 Amendments to a proposal should only arise following subsequent discussion between the Planning Officers and the applicant / agent or from an instruction from either Committee.

HARROW COUNCIL

**CORPORATE ANTI-FRAUD &
CORRUPTION**

STRATEGY 2016 - 2019

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1.0 Foreword by the Leader of Harrow Council, Cllr Sachin Shah and Chief Executive, Michael Lockwood

Fraud and corruption is a very real threat to the UK economy and Harrow Council is not immune to these risks. In May 2016, the [Annual Fraud Indicator Report 2016](#) was published putting estimated fraud and corruption losses affecting the UK at around £193 billion. Losses in the public sector were estimated to be £37.5 billion. These are significant sums of money that are potentially being taken away from the people that need it most, such as the vulnerable, children and the elderly.

Fraud and corruption not only removes resources but can cause untold social harm to individuals and communities. Harrow Council will not tolerate fraud and corruption and will push for the strongest penalties against those that think it acceptable to commit fraud.

Having recently launched our Ambition Plan 2020, it is vital that we are able to protect our limited resources and assets from fraud and corruption so that they are put to best use and support those with the greatest need. This Council is committed to *Working together to make a difference for Harrow* and in doing so our vision is to:

- **Build a Better Harrow**
- **Be More Business-like and Business Friendly**
- **Protect the Most Vulnerable and Support Families**

Working hand in hand with our vision we have also developed with our employees, values to enable us to achieve the Ambition Plan 2020. These are:-

- **Be courageous**
- **Do It Together**
- **Make it Happen**

We have some tough challenges ahead, in particular the financial pressures that the public sector is facing. The Council's savings target for the 4 year period 2015/16 to 2018/19 is £83m. In balancing the 2015/16 budget, savings of £30.9m were agreed. The target for the three years 2016/17 to 2018/19 was £52.4m¹. We are showing leadership and ambition even in these difficult circumstances. We are continuing to make Harrow a better place to live and do business.

Our regeneration plans will create thousands of much needed affordable and high-quality homes, bring jobs and investments into the Borough, new schools, cleaner and greener neighbourhoods and an improved entertainment, cultural and leisure offer to bring a new buzz to our high streets.

¹ Final Budget Report 2017/18

According to [Protecting the English Public Purse 2015](#) Housing Tenancy Fraud is costing the UK economy in the region of £845 million annually so it is vital that we provide assurance that those families occupying our housing stock are the rightful tenants and we take robust action to remove those tenants unlawfully subletting or not occupying as their principle home. Similarly, once we start building affordable homes, we ensure that those that need our help the most are given priority to occupy.

By 2020 Harrow Council will be moving into a new Civic Centre, designed in consultation with residents to be at the heart of the community and Wealdstone, supporting local businesses, local families and turning round an area that has been ignored for far too long.

At all times it is crucial that we ensure public money is properly spent. This is the basis of the trust which our residents place in the Council. As Harrow's largest employer, the Council has a duty to make clear to all members, employees and contractors that malpractice in any form will not be tolerated. The authority needs to demonstrate the highest standards of probity and transparency. All council employees are reminded that it is their duty to report any financial or professional misconduct. The Council has a well established 'whistle blowing' procedure and will always investigate when presented with serious concerns.

Whilst all stakeholders have a part to play in reducing the risk of fraud, Elected Members and Senior Management are ideally positioned to influence the ethical tone of the organisation and play a crucial role in fostering a culture of high ethical standards and integrity.

This Corporate Anti-Fraud & Corruption Strategy sets out the responsibilities and behaviours the Council expects from its employees, members and partners. We urge you to study it carefully and join with us in ensuring Harrow Council retains its good name for corporate governance and fairness.



Cllr Sachin Shah
Leader of the Council



Michael Lockwood
Chief Executive

2.0 INTRODUCTION

This document sets out the Council's strategy in relation to fraud and corruption. It has the full support of, the Corporate Leadership Board, relevant Members including the Governance, Risk Management and Standards Committee (GARMS), the Leader and Portfolio Holder for Finance & Commercialisation.

The Council takes its responsibilities for the stewardship of public finances very seriously and is committed to the highest standards of transparency and accountability in order to ensure appropriate use of public funds and assets. It has a duty to prevent fraud and corruption, whether it is attempted by someone within or outside of the Council such as another organisation, a resident, an employee, contractor or Councillor. The Council is committed to creating and maintaining an effective anti-fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities.

In all its dealings, the Authority will adhere to the seven principles of public life set out in the Nolan Committee's report on *Standards in Public Life*.

- ***Selflessness***

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

- ***Integrity***

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- ***Objectivity***

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- ***Accountability***

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- ***Openness***

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands. Openness requires an inclusive approach, an outward focus and a commitment to partnership working.

- **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

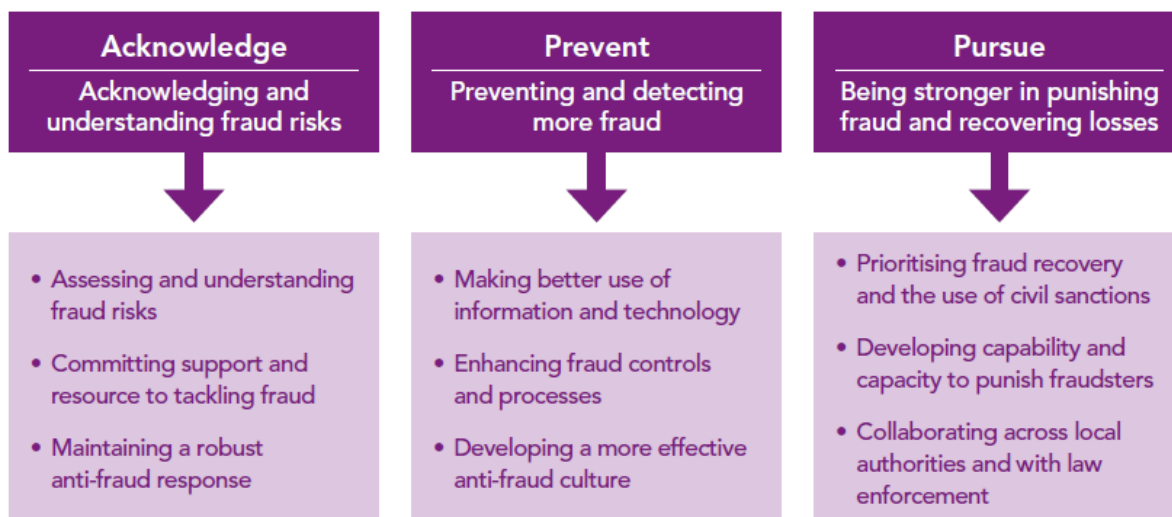
- **Leadership**

Holders of public office should promote and support these principles by leadership and example.

The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, customers or any other attacks on its resources by criminals and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, dismissal, prosecution and robust recovery of losses through both civil and criminal means.

To fulfil the Council's Ambition Plan 2020, the authority has to ensure that fraud, corruption and misappropriation is minimised. Every pound lost to fraud and corruption is a reduction in resources and negatively impacts the authorities' ability to deliver its objectives.

Our strategy is based upon three key principles: Acknowledge, Prevent and Pursue, and aligns with the [Local Government Counter Fraud & Corruption Strategy 2016-2019](#)



Accompanying the three principles are six overarching themes to assist the organisation ensure that our counter fraud response is comprehensive and effective. These are often referred to as the six Cs.

- **Culture** – create a culture in which beating fraud and corruption is part of normal business
- **Capability** – ensuring that the range of counter fraud measures deployed is appropriate to the fraud risks
- **Capacity** – deploying the right level of resources to deal with the level of fraud risk
- **Competence** – having the right skills and standards in place
- **Communication** – raising awareness, deterring fraudsters sharing information and celebrating success
- **Collaboration** – working together across internal and external boundaries with colleagues and other agencies, sharing resources, information skills and learning

2.1 Scope

This strategy applies to:

- All Harrow Council employees (including volunteers and agency staff);
- Councillors;
- Staff and Committee Members of council funded voluntary organisations;
- Harrow Council's partners;
- NHS partners;
- Maintained schools;
- Council suppliers, contractors and consultants;
- Customers

2.2 Roles & Responsibilities

RESPONSIBILITIES STAKEHOLDER	SPECIFIC RESPONSIBILITIES
Chief Executive	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Director of Finance (Section 151 Officer)	To ensure the Council has adopted an appropriate anti-fraud strategy, there is an effective internal control environment in place and there is an adequately resourced and effective Internal Audit and Corporate Anti Fraud Service to deliver 'counter-fraud' work.
Monitoring Officer and Director of Legal & Governance Services	To advise Councillors and Officers on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Practice.

Governance, Audit, Risk Management and Standards Committee (GARMSC)	To monitor on a regular basis the Council's approach to tackling fraud and corruption and promote an anti-fraud culture
Councillors	To comply with the Code of Conduct and related Council policies and procedures, to be aware of the possibility of fraud, corruption and theft, and to report any genuine concerns accordingly.
External Audit	Statutory duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption and theft.
Internal Audit	Internal audit is responsible for evaluating the potential for the occurrence of fraud and how the organisation manages fraud risk ²
Corporate Anti Fraud Team	Responsible for the co-ordination of the authorities anti fraud and corruption strategy, including the measures in place to acknowledge, prevent and pursue fraud and corruption activity. This also includes the a key co-ordination role in the National Fraud Initiative (NFI) which is a fraud prevention and detection exercise based around bulk data matching that is led by the Cabinet Office every two years.
Corporate Directors, Directors, Heads of Service and Service Managers	Manage the risk of fraud and corruption. To promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to Corporate Anti Fraud or Internal Audit. To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption and theft and to reduce these risks by implementing strong internal controls. It is vital that this group show leadership in supporting investigations into fraud and corruption and that they are responsive to implementing actions arising from this work. Their role in the NFI exercise is to provide data for matching and to analyses the outputs form the matching exercise and take appropriate action
Employees	Our employees are the first line of defence against fraud and corruption. They are expected to conduct themselves in ways

² Public Sector Internal Audit Standards

	<p>which are beyond reproach, above suspicion and fully accountable. Also responsible for reporting malpractice through well established 'whistleblowing' procedures. Employees are expected to adhere to the Employee Code of Conduct, Financial Regulations and Contract Procedure Rules</p>
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3.0 DEFINITIONS

What is fraud?

The **Fraud Act 2006** details the legal definitions of fraud, and is used for the criminal prosecution of fraud offences. The Council also deals with fraud in non-criminal disciplinary matters.

For the purposes of this document fraud defined as; the dishonest action designed to facilitate gain (personally or for another) at the expense of the Council, the residents of the Borough or the wider national community.

The definition covers various offences including; deception, forgery, theft, misappropriation, collusion and misrepresentation. Although use in this context is not intended to limit the full use of the Fraud Act 2006 in the investigation and prosecution, by the Council, of any offences.

What is corruption?

Corruption is the offering or acceptance of inducements designed to influence official action or decision making. These inducements can take many forms including cash, holidays, event tickets, meals.

The **Bribery Act 2010** received Royal Assent on 8 April 2010 and reforms the criminal law to provide a new, modern and comprehensive scheme of bribery offences that will enable courts and prosecutors to respond more effectively to bribery at home or abroad.

Bribery Act offences

There are four key offences under the Act:-

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7)

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

Further guidance is available from the Ministry of Justice to explain to organisations what action is required to ensure they are compliant.

What is theft?

Theft is stealing any property belonging to the Council or which has been entrusted to it (i.e. client funds), including cash, equipment, vehicles, data.

Theft does not necessarily require fraud to be committed. Theft can also include the stealing of property belonging to our staff or members whilst on Council property.

What is money laundering?

Money laundering is the process by which criminals attempt to 'recycle' the proceeds of their criminal activities in order to conceal its origins and ownership and which leaves them with money that cannot be traced back. All employees are instructed to be aware of the increasing possibility of receiving requests that could be used for money laundering and illicit requests for money through e-mails. Detailed guidance is set out in the Council's Money Laundering Policy.

Any service that receives money from an external person or body is potentially vulnerable to a money laundering operation. The need for vigilance is vital and if there is any suspicion concerning the appropriateness of the transaction then the Council's Money Laundering Policy should be followed. Officers should also seek the advice from management, Internal Audit or the Corporate Anti Fraud Team. The Council's Money Laundering Reporting Officer (MLRO) is the Director of Finance.

4.0 AIMS AND OBJECTIVES

The aims and objectives of the Anti-Fraud and Corruption Strategy are to:-

- A.** To protect the Council's valuable resources by ensuring they are not lost through fraud and corruption but are used for improving the delivery of services to Harrow residents through the successful implementation of the Harrow Ambition Plan 2020.
- B.** To gain a better understanding of local fraud and corruption risks impacting on the Council's ability to deliver its objectives.
- C.** Create an 'anti-fraud' culture which highlights the Council's zero tolerance of fraud, corruption and theft, which defines roles and responsibilities and actively engages the public, Councillors and employees, by raising awareness of fraud both internally and externally.
- D.** Actively seeks to increase the Council's resilience to fraud and corruption through the raising of fraud awareness.
- E.** To provide a best practice counter-fraud service which:
 - Proactively deters, prevents and detects fraud, corruption and theft.
 - Investigates suspected or detected fraud, corruption and theft.
 - Enables the Council to apply appropriate sanctions and recover losses.
 - Provides management reports and recommendations to inform policy, systems and control improvements, thereby reducing the Council's exposure to fraudulent activity.
- F.** Create an environment that enables the reporting of any genuine suspicions of fraudulent activity. However, we will not tolerate malicious or vexatious allegations or those motivated by personal gain and, if proven, we may take disciplinary or legal action; and
- G.** Work with our partners and other investigative bodies in collaboration to strengthen and continuously improve our arrangements to prevent fraud and corruption.

5.0 FRAUD RISKS

The Council seeks to fulfil its responsibility to reduce fraud and protect its resources by a strategic approach consistent with that outlined in both CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption and in the Local Government Fraud Strategy – Fighting Fraud Locally, and its three key themes of Acknowledge, Prevent & Pursue. Fraud risks are corporate risks faced by all of our services and, as with other risks, are the responsibility of the Directorates to manage and mitigate. The Corporate Anti Fraud Team and Internal Audit, however, provide advice, knowledge and support to the Directorates in the managements of these risks.

ACKNOWLEDGE	Committing Support	The Council's commitment to tackling fraud threats is clear. We have whistleblowing procedures and support those who come forward to report suspected fraud. All reports will be treated seriously and acted upon. Staff awareness of fraud risks will be gained through e-learning, face to face development sessions, Internal Audit and CAFT reports and general consultation and advice provided.
	Assessing Risks	We will continuously assess those areas most vulnerable to the risk of fraud as part of our risk management arrangements and annually meet with the Directorate Management Teams to discuss fraud, corruption and internal control risks and seek to assess in terms of likelihood and impact. These risk assessments along with known fraud risks identified by investigation work and national reports and fraud patterns will inform our annual programme of works for both Internal Audit and Corporate Anti Fraud.
	Robust Response	We will strengthen measures to prevent fraud. Internal Audit and Corporate Anti Fraud will work with management and our internal partners such as Human Resources, Finance and Legal to ensure new and existing systems and policy initiatives are adequately fraud proofed.

PREVENT	Better use of Information Technology	We will explore the use of data and analytical software to prevent and detect fraudulent activity. We will always look for opportunities to share data and fraud intelligence to increase our capability to uncover potential and actual fraud as we have done in becoming members of the London Housing Fraud Hub. We will continue to play an active part in National Fraud Initiative (NFI) data matching exercise. Whilst the Corporate Anti-Fraud Team plays a co-ordination and support role in this exercise, it is management that is responsible for processing the actual matches. The Corporate Anti Fraud Team will ensure there is a robust follow up process to ensure that high risk matches are pursued where appropriate.
	Enhancing fraud controls and processes	We will educate managers with regard to their responsibilities for operating effective internal controls within their service areas. We will promote strong management and good governance that provides scrutiny and independent challenge to risks and management controls. Internal Audit reviews will seek to highlight vulnerabilities in the control environment and make recommendations for improvement. The Corporate Anti-Fraud Team investigations and reports will also provide management with actions to improve controls to reduce fraud risks.
	Anti-fraud culture	We will promote and develop a strong counter fraud culture, raise awareness, provide a fraud e-learning tool and provide information and guidance on all aspects of our counter fraud work.

PURSUE	Fraud Recovery	A crucial element of our response to tackling fraud is recovering any monies lost through fraud. This is an important part of our strategy and will be rigorously pursued, where possible.
	Punishing Fraudsters	We will apply realistic and effective sanctions for individuals or organisations where an investigation reveals fraudulent activity. This may include legal action, criminal and/or disciplinary action. We will also seek to publicise successes to act as a deterrent to those seeking to commit fraud.
	Enforcement	We will investigate instances of suspected fraud detected through the planned proactive work; cases of suspected fraud referred from internal or external stakeholders, or received via the whistleblowing procedure and prioritised on a fraud risk basis. We will work with internal / external partners/organisations, including law enforcement agencies where common ground exists or where intelligence can be lawfully shared.

5.1 Current Fraud Landscape

The fraud landscape is ever changing and requires constant review. The Corporate Anti Fraud Team keeps abreast of these changes in a number of ways.

- Membership of the National Anti-Fraud Network (NAFN) which provides the authority with a legal gateway to a wide range of information providers, best practice, legislation updates and sharing of fraud intelligence/bulletins of local and national interest potentially affecting the organisation.
- Membership of the London Borough of Fraud Investigators Group (LBFIG) which meets bi-annually to discuss current fraud work and associated risks, trends and emerging fraud risks developing across London.
- Membership of The Chartered Institute of Public Finance and Accountancy (CIPFA) and the related Counter Fraud Centre and contributor to the Counter Fraud and Corruption Tracker (CFaCT) survey.
- Attendance at relevant counter fraud conferences.
- Contributing and reviewing of National Fraud Reports such as Protecting the Public Purse (PPP) and the Annual Fraud Indicator Report.
- Contributors to the National Fraud Initiative (NFI) exercise led by the Cabinet Office and co-ordinators of the output reports analysis from the exercise.
- Constant review of incoming fraud referrals informing patterns and/or concerns affecting the fraud risk in specific areas.
- Fraud investigation and Internal Audit outcome reports to management highlighting fraud risk control weaknesses with recommendations to strengthen.
- Liaison with the Directorates and their Department Management Teams on an annual basis to discuss fraud risks and periodically when required.

5.2 Current Fraud Risks

The following areas of Council business have been assessed as being high risk to fraud after an assessment drawing on the above sources of information. These considerations form the basis of a proactive annual programme of fraud work in 2016-17 and beyond but are subject to change as the fraud landscape changes.

- **Tenancy including the Right to Buy (RTB)**
- **Housing Needs / Provision**
- **Council Tax Support / Exemptions / Discounts**
- **Personal Budgets / Social Care**
- **No Recourse to Public Funds (NRPF)**

- **Disabled parking badges**
- **Cyber security/crime**

The development of a fraud risk register will enable a better understanding of local fraud and corruption risks impacting on the Council's ability to deliver its objectives. Once established, this risk register along with the other sources of fraud risk intelligence referred to in 5.1, will be used to inform the counter fraud approach of the organisation.

5.3 Managing the risk of Fraud & Corruption

Whilst all stakeholders have a part to play in reducing the risk of fraud, Elected Members and Senior Management are ideally positioned to influence the ethical tone of the organisation and play a crucial role in fostering a culture of high ethical standards and integrity.

As with any risk faced by the Council, it is the responsibility of managers to ensure that fraud risk is adequately considered within their individual service areas and in support of achieving strategic priorities, business plans, project and programme objectives and outcomes. In making this assessment it is important to consider the risk of fraud occurring (i.e. proactive) rather than the actual incidence of fraud that has occurred in the past (reactive).

Once the fraud risk has been evaluated, appropriate action will be taken by management to mitigate those risks on an ongoing basis, for example through introducing and operating effective systems of internal control (first line of defence). Adequate supervision, recruitment and selection, scrutiny and healthy scepticism will not be seen as distrust but simply as good management practice shaping attitudes and creating an environment opposed to fraudulent activity.

Good corporate governance procedures are a strong safeguard against fraud and corruption. The Council's Governance, Audit, Risk Management & Standards Committee plays a key role in scrutinising the Council's approach to fraud, its system of controls & risk management; and its wider resiliency to financial irregularity in general (second line of defence).

The Council's Corporate Anti Fraud Team undertakes a risk based programme of works targeting areas of high risk to fraud and corruption. This is based on consultation with the Directorates, known local fraud outcomes from investigation work, evidence from national reports such as *Protecting the English Public Purse 2015* and outcomes from data-matching such as the National Fraud Initiative. This programme of works is approved by the Governance, Audit, Risk Management and Standards Committee.

Internal Audit also undertakes a risk-based assurance programme of work each year developed with input from management and agreed by the Governance, Audit, Risk Management and Standards Committee. This assurance work involves an independent review of systems and procedures, including a review of the management of risk (of both fraud and other types of risk) whereby system weaknesses are brought to the attention of management along with recommendations to strengthen controls within procedures (third line of defence).

6.0 ACTION PLAN

This Strategy sets out the developments and actions the Council proposes to take over the medium term future to further improve its resilience to fraud and corruption. These developments include the following actions:-

ACTION	IMPLEMENTATION DATE	LINKS TO AIMS AND OBJECTIVES
Identify and assess Harrow's fraud risk exposure affecting the principle activities in order to fully understand changing patterns in fraud and corruption threats and the potential harmful consequences to the authority and our customers	Complete in June annually	4a, 4b, 4c, 4d
Development of a fraud risk register to be integrated into the existing risk management framework, where significant fraud and corruption risks will be owned and maintained by the directorates	June 2017	4a, 4b, 4c, 4d
To be an active participant in the bi-ennial National Fraud Initiative (NFI) exercise and to robustly investigate suspected cases of fraud identified through NFI. The Corporate Anti-Fraud Team are responsible for the co-ordination of the exercise including ensuring that the data sets comply with specification and are securely uploaded to the Cabinet Office. Management are responsible for the review of matches that are returned and for referring suspicions of fraud and corruption to the Corporate Anti Fraud Team	October 2016 & October 2018 onwards	4c, 4d, 4e, 4g
Raise awareness of fraud and corruption both within the authority and in the community through running awareness campaigns and the publication of fraud successes in local and national media, including the use of all forms of social media	Ongoing throughout the duration of the strategy	4a, 4c, 4d
Actively seeks to increase the Council's resilience to fraud and corruption through fraud awareness by ensuring that all existing employees in all directorates undertake a fraud & corruption e-learning course	By March 2019	4a, 4c, 4e
Actively seeks to increase the Council's resilience	June 2017	4a, 4c, 4e

to fraud and corruption through fraud awareness by ensuring that all new employees in all directorates undertake a fraud & corruption e-learning course		
By launching and publicising our strategy raise awareness of fraud and corruption with Senior Managers and Elected Members through a combination of e-training, newsletters and face to face fraud awareness development sessions where appropriate.	April 2017	4c, 4e
To refresh the fraud awareness pages on the Hub/Website	September 2017	4c, 4d, 4e
To refresh and promote the Council's suite of anti-fraud related policies and procedures and to ensure that they continue to be relevant to national guidance, e.g. CIPFA Code of Practice on Managing the Risk of Fraud and Corruption	December 2017	4a, 4b
To actively maintain the authorities' membership of the National Anti-Fraud Network (NAFN), the London Borough of Fraud Investigators Group (LBFIG), The Chartered Institute of Public Finance and Accountancy (CIPFA), the London Fraud Hub and all other enforcement partners including the Police, The Border Force and HMRC. Also to be open to new and innovative anti-fraud projects	Ongoing throughout the duration of the strategy	4e, 4f, 4g
To produce fraud investigation outcome reports for management which highlight the action taken to investigate the fraud risks, the outcome of the investigations e.g. sanction and recommendations to minimise future risk of fraud	Ongoing throughout the duration of the strategy	4c, 4d, 4f
To explore with Human Resources the possibility of including management responsibility for managing fraud and corruption risks within all managerial role profiles	September 2017	4a, 4c, 4d

7.0 MEASURES OF SUCCESS

The successful implementation of this strategy will be measured by the following:-

- Successful implementation of the actions contained within the strategy.
- Increased awareness of fraud and corruption risks by members, managers and employees.
- Evidence that fraud risks are being actively managed across the authority.
- Increased fraud risk resilience across the authority to protect the Council's assets and resources.
- An anti fraud culture where employees feel able to identify and report concerns relating to potential fraud and corruption.

8.0 REPORTING AND REVIEW

The Council's approach to suspected fraud can be demonstrated in its Fraud Response Plan / Flowchart - **see Appendix 1 - Fraud Response Plan**

The Council recognises that the primary responsibility for the prevention and detection of fraud rests with management. If anyone believes that someone is committing a fraud or suspects corrupt practices, these concerns should be raised in the first instance directly with line management then the Corporate Anti Fraud Team or Internal Audit.

Where managers are made aware of suspected fraud by employees, they have responsibilities for passing on those concerns to the Corporate Anti Fraud Team, Internal Audit, and Monitoring Officer in the event of a whistleblowing allegation or the Director of Finance (Section 151 Officer). Managers should react urgently to suspicion of potential internal fraud or corruption.

Head teachers of LA-maintained schools should also notify their Chair of Governors. Notifications must be treated with the utmost confidentiality. Any person that is implicated in the alleged offence should not be included in the notification procedure.

The Corporate Director of Resources, Head of Internal Audit, Corporate Anti Fraud Manager and Director of Finance (s.151 Officer) has responsibility for ensuring the authority has a robust anti fraud and corruption response.

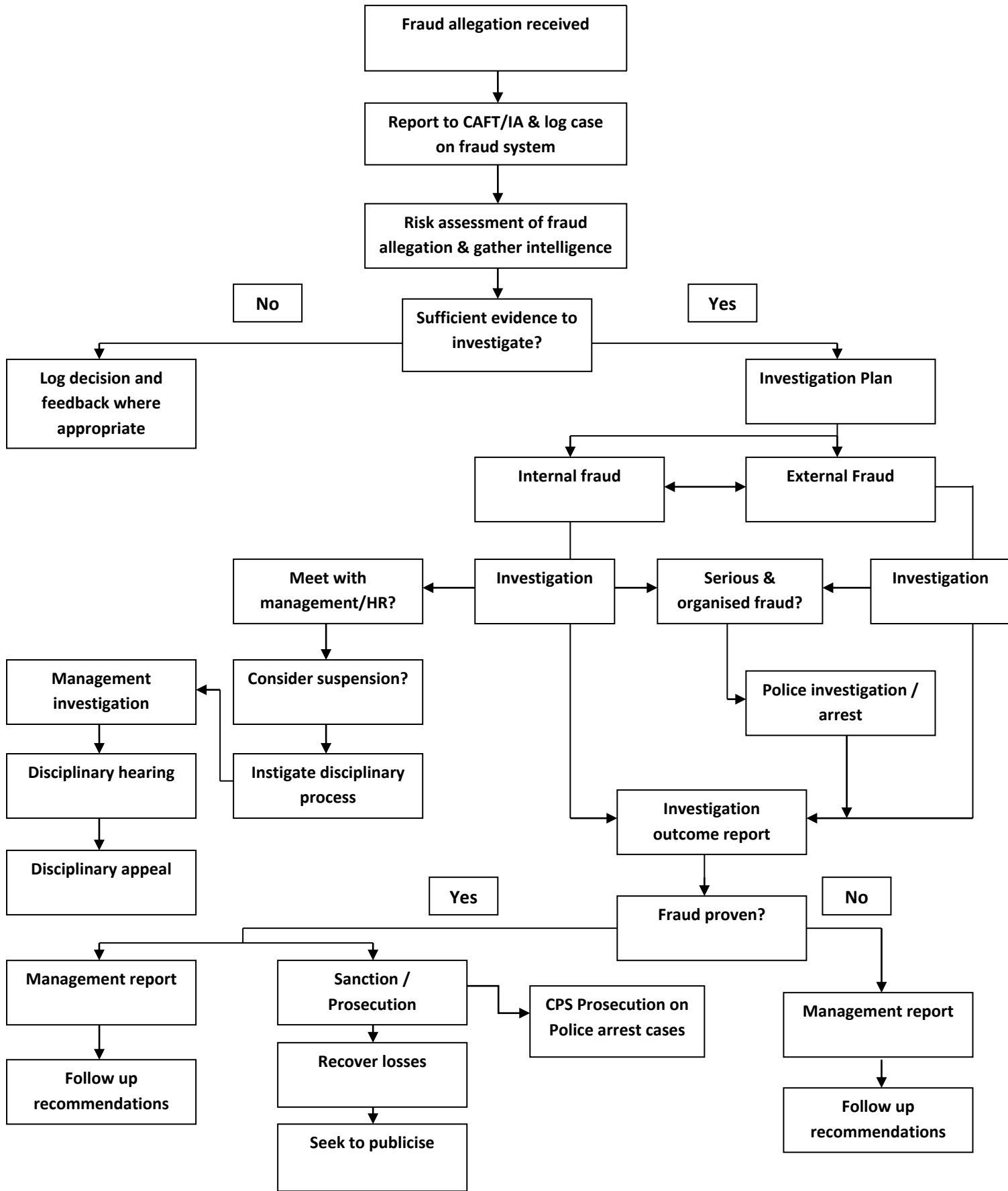
The Council's Governance, Audit, Risk Management and Standards Committee will ensure the continuous review and amendment of this Strategy and the Action Plan contained within it, to ensure that it remains compliant with good practice national public sector standards, primarily CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption and the Local Government Fraud Strategy – Fighting Fraud Locally, and meets the needs of Harrow Council.

9.0 FURTHER READING

Further information on related relevant council policies and documentation that was referenced in the development of this strategy can be found below.

- The Council [Constitution](#) (Financial Regulations, Contract Procedure Rules, Members and Employees Code of Conduct)
- [Recruitment & Selection Policy](#)
- [Disciplinary Procedure](#)
- [Whistleblowing Policy](#)
- [Protocol on Gifts and Hospitality](#)
- Prosecution & Sanction Policy
- [Anti-Money Laundering Policy](#)
- The Regulation of Investigatory Powers Act 2000 (RIPA) Policy
- [Information Security Policy](#)
- Risk Management Strategy & Policy
- Corporate Anti Fraud Team web pages www.harrow.gov.uk/fraud
- [Annual Fraud Indicator Report 2013](#)
- [Annual Fraud Indicator Report 2016](#)
- [Fighting Fraud and Corruption Locally 2016, The Local Government Counter Fraud and Corruption Strategy](#)
- [CIPFA Counter Fraud Centre](#)
- [CIPFA Code of Practice Managing the Risk of Fraud and Corruption 2014](#)
- [Protecting the Public Purse 2015](#)
- [Protecting the London Purse 2015](#)
- [National Fraud Initiative Report 2016](#)
- [UK Anti-Corruption Plan 2014](#)
- [UK Government Serious and Organised Crime Strategy](#)
- [Local Government Association Guide - Tackling Serious and Organised Crime](#)

Appendix 1 – Harrow Council Fraud Response Plan / Flowchart



G. CONFIDENTIALITY OF PART II REPORTS

Introduction

1. There is provision at Rule 12 of the Access to Information Procedure Rules of the Constitution as follows:

“Excluding Public Access to Reports

The public may be denied access to reports if the Chief Officer responsible for drafting the report believes that the report relates to matters, which, in accordance with Rule 11, will not be considered in a public meeting. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed”.

2. Rule 11 relates to the exclusion of access by the public to meetings of the Authority and provides definitions of “Confidential” information which is not subject to public disclosure and the categories of “Exempt” information which may be excluded from public meetings, subject to the relevant conditions.
3. All agenda, reports, other documents, information, discussion and proceedings of meetings where marked or regarded as confidential or exempt shall be treated as such unless and until they become public in the ordinary course of the Council’s business.

Member Observance of Confidentiality

4. The Code of Conduct for Councillors addresses the requirements for Members to observe the confidentiality of information, which has not been made public. Imparting such information to others is a breach of trust.
5. Observance requires that a Member shall not impart to any person, other than to another Member or to an officer of the Council, any information, either in writing or verbally, which reveals the contents of any document or other communication marked confidential and given in confidence, unless and until that information has become public in the ordinary course of the Council’s business.

Officer Responsibilities

6. It is recognised that officers should consult with Trade Unions only on those exempt or confidential reports which affect Trade Union members and on which the Trade Union may be able to add information, but only first having had regard to the degree of confidentiality and the possible consequence to the Council of unauthorised release.

7. When reporting a confidential matter the officer responsible for the preparation of the report shall, in consultation with the Chair and nominated members of the appropriate body, consider whether:
- (a) a caution should be added to the papers in addition to the words “Private and Confidential” (that is “Not for publication”);
 - (b) to limit the distribution of copies of a confidential report to the Members of that particular Committee: (in such a case the covering agenda will indicate the existence of the report and other Members can obtain a copy by personal application to the appropriate Director);
 - (c) the number of officers receiving a copy should be strictly limited;
 - (d) the report should be separately printed and distributed and copies separately numbered;
 - (e) Members and officers should be asked to return reports after the meeting;
 - (f) the papers should be sent to any “Advisers” (this restriction would not apply to voting co-opted members of the Overview & Scrutiny Committee who are entitled to receive all papers relating to education matters);
 - (g) when drafting a report, if it might aid security for any confidential information to be omitted from the report and separately printed and circulated or, for example where only a sum of money is confidential, to report orally to the meeting.

Rights of Co-optees and Advisers

8. Further to paragraph 7(f) above:
- (a) Co-opted members of Committees, Sub Committees, Panels, etc., are treated as full Members and as such are afforded the same rights of access to reports and information as other Members;
 - (b) Advisers should, as a matter of course, be permitted to see all reports in Part II of the agenda of meetings to which they are appointed and to take part in the debate on such items

UNLESS, in the opinion of the relevant Director, the report reveals information, which should not be revealed to a non-Councillor on the grounds that the release of the information could significantly, prejudice the interests of the Council;

- (c) all members of Consultative Forums may see all the papers for those Forums and UNISON shall be provided with confidential reports for those Forums and other bodies, where their representatives serve as advisers, subject to paragraph 6 above.

Challenges Available to Members

9. If any Member considers that information described as confidential or exempt should not be so described then:
 - (a) if the information is a report or other papers presented to a Committee, Sub Committee, Panel, etc. and that body agreed that the information should be exempt, it can be asked to reconsider its decision;
 - (b) if the information is included in a document prepared by an officer and not yet considered by a Committee, Sub Committee, Panel, etc., then that officer may be asked to reconsider: if the officer does not agree then the issue may be referred to the appropriate body for decision;
 - (c) whenever appropriate in timescale terms, the Cabinet may act for executive reports as the appropriate body for the purposes of (a) and (b) above and the Overview and Scrutiny Committee in all other cases.

Breaches of the Protocol

10. Any breach of this Protocol shall be reported to and considered by the Cabinet in relation to reports/issues falling within the Executive's remit and otherwise reported to and considered by the appropriate body and, as appropriate, those bodies shall consider whether or not any action is necessary to protect the interests of the Council.

NOTE: *If a breach of this Protocol results in an alleged breach of the Code of Conduct this should be referred to the Monitoring Officer or the Standards Board for investigation.*

H. PROTOCOL ON CO-OPTees AND ADVISERS

CODE OF CONDUCT, CONFIDENTIALITY AND ACCESS TO INFORMATION

1. Appointment

- 1.1 The Council may appoint non-voting co-opted members to its Committees;
- 1.2 Committees may appoint non-voting co-opted members to their sub committees or panels;
- 1.3 The Overview and scrutiny Committee is required to appoint voting co-opted members;
- 1.4 Any Committee, sub committee or panel may appoint advisers to assist in their work.

2. Co-optees and Advisers

- 2.1 Co-opted members are appointed by the parent body to a subsidiary body. Any conditions on the exercise of any rights are determined by the parent body. Any changes to an appointment can only be made by the parent body.
- 2.2 Advisers are appointed by the body concerned. Advisers can be made subject to any restrictions that the body concerned think reasonable.

3. Rights of Co-opted Members and Advisers

3.1 Co-optees

The basic rule is that co-opted members have such rights as agreed by the parent body making the appointment.

BUT: In the case of certain appointments required by statute they must be afforded all the rights required by statute.

3.2 Advisers

Have such rights as agreed when the body concerned makes the appointment.

3.3 **Rights**

Unless otherwise determined by the parent body or subsidiary body (subject to statute) all co-opted members and advisers will be afforded the right to

- receive all agenda papers including “Part II” of confidential papers
- be notified of all meetings
- attend all meetings
- contribute to the consideration of all items

3.4 **Exception**

The position set out in 3.3 above is subject to a restriction where, if a Chief officer, believes information is so confidential that it could significantly prejudice the interests of the council, then that information may not be distributed to a co-opted member or adviser (again subject to the statutory rights of certain co-optees).

4. **Obligations of Co-optees and Advisers**

All co-optees and advisers will have the following obligations:

- Not to disclose confidential or exempt information as defined in the Access to Information Procedure Rules;
- Not to commit a breach of trust by imparting information yet to be made public to others (see Note *);

5. **Acceptance of this Protocol and the Members’ Code**

All co-optees and advisers will be required to sign as having understood and accepted both this Protocol and the Members’ Code of Conduct.

6. **Breaches of the Protocol**

The Monitoring Officer may, if appropriate consider referring advisers alleged to be in breach of the Protocol to a meeting of the Governance, Audit, Risk Management and Standards Committee.

7. **Record of Appointments**

A record shall be kept by the Monitoring Officer of the co-optees and advisers appointed each Municipal Year together with information denoting any particular associated rights or obligations.

***(Note:** The duty of trust is equivalent to the elected Member observance of confidentiality set out in paragraphs 4 and 5 respectively in the Code of Confidentiality of Part II Reports (Section 5G of the Constitution), which in summary are:

- (a) Members must observe the confidentiality of information, which has not been made public: imparting such information is a breach of trust:
- (b) Members shall not impart to any person (other than another member or an officer) in writing or verbally any information of a confidential nature, unless and until that information has become public in the course of the Council's business.)

I. Members' Rights to Access Information

Guidance and Protocol

Introduction

1. Members have a right to see the majority of information which the Council holds so they can carry out their duties as Councillors. This can range from information about services to information about their constituents. The general rule is that information should be supplied if requested. However, there is certain information, particularly that held about individuals, where access may be restricted.
2. This document sets out general guidance on the circumstances in which members may gain access to information owned by the Council. A protocol is provided for members and officers to follow in relation to requests for confidential information. If further advice regarding a particular situation is required, this can be obtained from the Director of Legal and Governance Services Department or their staff.

Rights to Access Material

3. Members have a right to see documents, or parts of documents, where this is reasonably necessary to enable them to perform their duties as a Councillor or their role within the Council. This is commonly referred to as the 'need to know' principle. This covers cases where a councillor seeks to see information which relates to a committee of which he/she is a member.
4. This does not amount to an automatic right to see documents. The basis of this rule is that the member needs the information to carry out his duties. If the member was seeking to see documents for improper purposes, this would not be covered.
5. In addition to the general right, any member has a statutory right to see documents which contain information relating to:
 - a. business transacted at meetings of the Executive (including panels and forums), the Council and its Committees,
 - b. any decision taken by a portfolio holder in accordance with the Council's constitution and
 - c. any key decision made by the Officer.
6. Some categories of information are exempt from this provision, including that related to individuals. The list of exemptions is set out at Appendix 1. The practice in the Council is that members can generally see such information. However, there will be some circumstances where this is not the case, for example, where it affects the member's personal affairs. All information disclosed is treated as confidential for the purpose of the members' Code of Conduct.

7. If the Council is minded not to disclose exempt information, it will consider whether, in all the circumstances of the case, the public interest in disclosing the information outweighs the public interest in maintaining the exemption. If so, the information will be disclosed.

Overview and Scrutiny Committee

8. In addition to the above rights, members of the Overview and Scrutiny Committee can obtain exempt information as set out in Appendix 1 or confidential information (see paragraph 9 below) but only if it is relevant to an action or decision that the Committee is reviewing or scrutinising; or which is relevant to any review contained in any work programme of the committee. These members will also be entitled to copies of any document which is in the possession or control of the Executive, Executive (Cabinet) Committee, a Portfolio Holder, Advisory Panel or Consultative Forum and which contains material relating to:
 - a. any business transacted at a meeting of the Executive, Executive (Cabinet) Committee, Advisory Panel or Consultative Forum; or
 - b. any decision taken by an individual member of the Executive
9. Confidential information is defined as:
 - a. Information provided to the local authority by a government department which has forbidden the disclosure of the information to the public; or
 - b. Information which cannot be disclosed to the public by a law or court order

Freedom of Information Act 2000 (FOIA)

10. Members have the same rights as any other member of the public to request information under the FOIA. Any such request should be dealt with under the Council's procedure for FOI requests.
11. It should be noted that a political group is not part of the Council and therefore the Freedom of Information Act does not apply to it.

Data Protection Act

12. The provisions of the Data Protection Act will apply to any personal information relating to individuals. The position differs according to the capacity in which the member is acting.

Member acting on behalf of local residents

13. A local authority does not generally have to get the consent of an individual to disclose their personal information to an elected member as long as:
 - a. The elected member represents the ward in which the individual lives;
 - b. The elected member makes it clear that they are representing the individual in any request for their personal information to the local authority; and

- c. The information is necessary to respond to the individual's complaint
14. In these circumstances, a member will be required to sign a form confirming this. A copy of the form is attached at Appendix 2.

Member acting as a member of the council

15. Personal information can be disclosed on a 'need to know' basis. An elected member is in the same position as an employee when acting in this capacity.

Disclosure to members for political purposes

16. This is generally not permitted except where the local authority is required to publish information, or where information is aggregated and does not identify any living individuals, so long as the data cannot be linked to specific individuals.

Sensitive information

17. Certain information is classified as sensitive under the Data Protection Act including information about racial or ethnic origins, political opinions and religious beliefs. Normally, consent from the individual or another condition specified under the Act is required. However, disclosure of such information to a member is allowed where he or she has been asked by the individual to take action on their behalf and the information is necessary in order for them to assist.

Care Proceedings

18. The Family Proceedings Court Rules 1991 lay down strict rules in respect of information relating to family proceedings. Information can only be disclosed with leave of the court. This is not restricted to documents filed with the court but covers any information relating to these proceedings. Members cannot see any such information in any circumstances, even where he or she is representing a constituent.

Code of Conduct

19. Members should bear in mind the provisions of the Code of Conduct where they hold Council information. This restricts the circumstances in which they can disclose confidential and exempt information.

Protocol for Requesting Information

20. If a member requests information and the officer concerned has no doubts that it can be disclosed, the information should be provided. However, where the officer has doubts that the information should be disclosed, the steps below should be followed.
21. Members should be asked to make a written request to the appropriate Director for the information to be provided. The request must state the purposes for which the information is required, having regard to the above guidance.
22. Where personal information is requested, the Member should complete the form attached at Appendix 2.

23. The Director should consider whether the information should be provided in accordance with the guidance above.
24. The Director should reply to the member within 5 working days and should either:
 - a. Provide the information,
 - b. Refuse to grant the request, stating reasons in writing, or
 - c. Give a timescale for providing the information which should be as soon as possible but not longer than 20 working days after the date of the request
25. Where the request is not granted and the member is not satisfied with the reasons provided, the member may seek advice from the Director of Legal and Governance Services on whether the refusal is justified. If the Director of Legal and Governance Services decides that the information should be provided, then the Director who has refused the information must provide it to the member within a further 5 working days of that decision.
26. Where the Director of Legal and Governance Services decides that the information should not be provided, the request may be referred to the Chair of the Governance, Audit, Risk Management and Standards Committee for resolution.
27. Where the request is granted, the member may be allowed to inspect the relevant information, or to take away copies, depending on the information. Where copies are taken off site, the Director may specify steps which the member must take to keep the information secure, for example, keeping documents in a lockable cabinet.
28. The member must not use information for any other reason than that specified in the request and, where it is confidential or exempt, must keep it confidential in accordance with the code of conduct.

Appendix 1

Exempt information

- 1) Information relating to any individual.
- 2) Information which is likely to reveal the identity of an individual.
- 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6) Information which reveals that the authority proposes:
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
- 7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The following categories apply to meetings of the Governance, Audit, Risk Management and Standards Committee or sub-committee in connection with the investigation and consideration of an allegation of a breach of the Code of Conduct for Councillors:

- 7A) Information which is subject to any obligation of confidentiality
- 7B) Information which relates in any way to matters concerning national security
- 7C) The deliberations of a Governance, Audit, Risk Management and Standards Committee or of a sub-committee in reaching any finding on a matter relating to the conduct of a Councillor or Co-opted member.

Appendix 2

Request for Information relating to an Individual

This form is to be completed by a Councillor requesting information regarding an individual.

Name of person about whom information is requested (please print)

.....

Type of Information requested (please be as specific as possible)

.....
.....
.....
.....
.....
.....
.....

I confirm that:

- a) The person named above has asked me to represent him/her;
- b) I represent the ward in which the person named above lives; and
- c) The information requested is necessary to respond to the individual's complaint

Signed:

Print name:

Date:

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. Interests

- 3.1 Like other interests in your Register of Interests, you automatically have an 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 must continue to disclose the existence and nature of the gift or hospitality at relevant Council meetings for one year from the date you first registered the gift or hospitality. Once **one year** has 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).

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 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.

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.

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 year's imprisonment.

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 the Governance, Audit, Risk Management and Standards Committee.

K. CODE ON CORPORATE GOVERNANCE

1. Introduction

Corporate Governance is the system and processes, culture and values by which local authorities are directed and controlled and through which they account to, engage with and, where appropriate lead their communities. Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner.

Harrow Council recognises the need for sound corporate governance arrangements and has put in place policies, systems and procedures designed to achieve this (the Governance Framework).

This code is based on the guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) in their publication 'Delivering Good Governance in Local Government' and outlines the Council's approach to Corporate Governance and demonstrates our commitment to uphold the highest standards of integrity, openness and accountability.

The Council's vision is "to be recognised as one of the best London Councils by 2012, in a borough that is cosmopolitan, confident and cohesive". The key to achieving this vision rests with members, staff, and partners working together to the same high standards of conduct to enable the local community to have confidence in the way in which we work.

2. Principles

CIPFA and SOLACE have identified six core principles in delivering good governance. We fully embrace and support these principles of good corporate governance and will ensure that they underpin the delivery of our services to the public in the following ways:

2.1 Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

Harrow Council will:

- Develop and promote the authority's purpose and vision
- Review on a regular basis the authority's vision for the local area and its impact on the authority's governance arrangements
- Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties
- Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance
- Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available
- Put in place effective arrangements to identify and deal with failure in service delivery

- Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively.
- Measure the environmental impact of policies, plans and decisions.

2.2 Members and Officers working together to achieve a common purpose with clearly defined functions and roles

Harrow Council will:

- Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice
- Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers
- Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required
- Make the Head of Paid Service responsible and accountable to the authority for all aspects of operational management
- Develop protocols to ensure that the leader and Head of Paid Service negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained
- Make the Section 151 Officer responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control
- Make the Monitoring Officer responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations are complied with
- Develop protocols to ensure effective communication between members and officers in their respective roles
- Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process.
- Ensure that effective mechanisms exist to monitor service delivery and that these are clearly described within the Performance Management Framework
- Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated
- When working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority
- When working in partnership:
 - ensure that there is clarity about the legal status of the partnership
 - ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions

- ensure that outcomes are managed through a performance management framework

2.3 Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

Harrow Council will:

- Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect
- Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols
- Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice
- Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners
- Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice
- Develop and maintain an effective standards committee
- Use the organisations' shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority
- In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

2.4 Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

Harrow Council will:

- Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which we are responsible, and partnerships in which we are involved
- Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based
- Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice
- Develop and maintain an effective audit committee (GARM) which is independent of the executive
- Put in place effective transparent and accessible arrangements for dealing with complaints

- Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications
- Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately
- Ensure that risk management is embedded into the culture of the organisation , with members and managers at all levels recognising that risk management is part of their job
- Ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the authority have access
- Actively recognise the limits of lawful activity placed on us by, for example the ultra vires doctrine, but also strive to utilise powers to the full benefit of our communities
- Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law
- Observe all specific legislative requirements placed upon us, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into our procedures and decision making processes

2.5 Developing the capacity and capability of members and officers to be effective

Harrow Council will:

- Provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis
- Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation
- Assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively
- Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
- Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs
- Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority
- Ensure that career structures are in place for members and officers to encourage participation and development

2.6 Engaging with local people and other stakeholders to ensure robust public accountability

Harrow Council will:

- Make clear to ourselves, all staff and the community, to whom we are accountable and for what
- Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required
- Produce an annual report on scrutiny function activity
- Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively
- Hold meetings in public unless there are good reasons for confidentiality
- Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements will recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands
- Establish a clear policy on the types of issues we will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result
- On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period
- Ensure that the authority as a whole is open and accessible to the community, service users and our staff and ensure that we have made a commitment to openness and transparency in all our dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so
- Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making

3. Annual Review and Reporting

Each year we (Harrow Council) will carry out a review of our Governance arrangements to ensure compliance with this Code, and the delivery of good governance within the local government framework and current good practice. The purpose of the review will be to provide assurance that governance arrangements are adequate and operating effectively and to identify action required to ensure effective governance in the future.

The outcome of the review will take the form of an Annual Governance Statement prepared on behalf of the Leader at the Council and Head of Paid Service. It will be submitted to the Governance, Audit and Risk Management (GARM) Committee for consideration and review with the annual accounts to meet the statutory requirement of the Accounts and Audit Regulations 2006. This requires findings of the review of the system of internal control to be considered by a committee of the relevant body, or by members of the body meeting as a whole.

We expect the principles set out in this code to be upheld by our members, staff and partners. We will ensure this happens through effective communication of the Code

and a range of policies, systems and processes known collectively as the Governance Framework

We will review this code each year in July/August after the preparation of the Annual Governance Statement.

L. ANTI-MONEY LAUNDERING POLICY

Money laundering involves the “cleaning” of illegal proceeds in order to disguise their criminal origin. The proceeds of criminal activity, usually cash, are introduced into the financial system where they are laundered enabling them to leave the system appearing to come from a legitimate source.

The Council enters into thousands of transactions every day and could be subject to money laundering attempts when accepting payments by cash, cheque or credit/debit cards, for instance in relation to the purchase of a council house or payment of substantial bills.

All staff have a duty to report any suspicions to the Money Laundering Reporting Officer (currently the Director of Finance/Section 151 Officer) or their deputy, the Deputy Section 151 Officer. There is a template for reports attached to this policy. The MLRO will then decide on the appropriate action to take.

Staff that regularly accept payments and the legal team should undertake annual fraud awareness e-learning via the learning pod.

1.0 INTRODUCTION

1.1 There have been significant changes to the legislation concerning money laundering. On 15 December 2007 the new Money Laundering Regulations 2007 (the “Regulations”) were introduced (revoking the 2003 Regulations). It implemented the Third EU Money Laundering Directive in the UK, bringing us in line with all European Union countries and making it more difficult for criminals to obtain the proceeds of their crimes as well as preventing terrorist funding.

1.2 The Primary anti-money laundering offences are now embodied within the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000 (TACT).

1.3 The definition of money laundering has been broadened and there is now an increased range of activities caught by the statutory framework. As a result, the new obligations now impact on certain areas of local authority business and require them to establish internal procedures to prevent the use of their services for money laundering and plan the scope of customer due diligence (previously called “identification procedures” in the 2003 Regulations). There is now a stronger emphasis on professional services to know their clients and monitor how their clients use their services.

1.4 In general terms money laundering involves the “cleaning” of illegal proceeds in order to disguise their criminal origin. The proceeds of criminal activity, usually cash, are introduced into the financial system where they are laundered enabling them to leave the system appearing to come from a legitimate source.

1.5 There are three stages to a money laundering process: -

- Placement: - the disposal of the cash proceeds derived from illegal activities in order to convert it into a non-cash asset. With the development of anti-money laundering (AML) processes within banks and financial institutions, it means that criminals are looking for other targets;
- Layering: - the carrying out of a number of transactions with no purpose other than to create a structure of complex layers of financial transactions in order to conceal the source of funds; and
- Integration: - returning the proceeds to the economy; now originating from a legitimate source.

1.6 Prior to February 2003 money laundering was limited to the laundering of the proceeds of indictable crimes, drugs and terrorism. POCA introduced a new set of money laundering offences in the UK which are applicable to all criminal property gained in any criminal conduct: -

- Criminal Conduct is conduct which constitutes an offence in any part of the UK or would constitute an offence in any part of UK if it occurred there (Section 340 (2) of POCA)
- Criminal Property is property which, represents a person's benefit from criminal conduct, or it represents such a benefit (in whole or part and whether directly or indirectly) and the alleged offender knows or suspects that it constitutes or represents such a benefit.

1.7 These Regulations highlight the importance of ongoing monitoring and altering the level of customer due diligence depending upon the level of risk involved. The changes highlight the importance of monitoring and identifying the beneficial owner of a customer and if dealing with regulated firms which were once unregulated, clarifying their supervision arrangements.

2.0 SCOPE OF THE POLICY

2.1 This Policy applies to all employees of the Council and aims to maintain the high standards of conduct, which currently exist within the Council by preventing criminal activity through money laundering.

2.2 The Policy sets out the procedures, which must be followed (for example the reporting of suspicions of money laundering activity) to enable the Council to comply with its legal obligations.

2.3 Failure by a member of staff to comply with the procedures set out in this Policy may lead to disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the Council's Disciplinary Policy and Procedure.

3.0 WHAT IS MONEY LAUNDERING?

3.1 There are five main elements that constitute an offence:

- **Concealing** - you commit this offence if you conceal, disguise, convert, or transfer criminal property or remove it from England, Wales, Scotland or Northern Ireland (Section 327 POCA).
- **Arrangements** – you commit an offence if you enter into or become concerned in an arrangement which you know or suspect facilitates (by whatever means) the acquisition, retention, use or control of criminal property by or on behalf of another person Section 328 POCA).
- **Acquisition use and possession** – you commit an offence if you acquire, use or have possession of criminal property (Section 329 POCA).
- **Failure to disclose** – it is an offence not to report knowledge or suspicion of money laundering where you acquired such knowledge or suspicion in the course of your work (Section 330 POCA).
- **Tipping Off** – Prejudicing an investigation being carried out by making a disclosure to the suspect or a third party being investigated is an offence (Section 333A POCA).

3.2 Potentially any member of staff could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it or act to tip off.

3.3 Whilst the risk to the Council of contravening the legislation is low, it is extremely important that all employees are familiar with their legal responsibilities: serious criminal sanctions may be imposed for breaches of the legislation.

4.0 WHAT ARE THE COUNCIL'S OBLIGATIONS?

4.1 Organisations conducting “relevant business” must:

- Appoint a Money Laundering Reporting Officer (“MLRO”) to receive disclosures from employees of money laundering activity (their own or anyone else’s);
- Implement a procedure to enable the reporting of suspicions of money laundering;
- Maintain client due diligence procedures in certain circumstances; and
- Maintain record keeping procedures.

4.2 Not all of the Councils business is “relevant” for the purposes of the legislation: it is mainly the accountancy and audit services carried out by Financial Services and the financial, company and property transactions undertaken by Legal Services. However, the safest way to ensure compliance with the law is to apply them to all areas of work undertaken by the Council; therefore, all staff are required to comply with the reporting procedure set out in section 6 below.

4.3 The following sections of this Policy provide further detail about the requirements listed in paragraph 4.1.

5.0 THE MONEY LAUNDERING REPORTING OFFICER (MLRO)

5.1 The officer nominated to receive disclosures about money laundering activity within the Council is the Director of Finance (Section 151 Officer). They can be contacted as follows:

Name: Dawn Calvert
Address: Director of Finance
Harrow Council
Third Floor,
West Wing, Civic 1
Station Road
Harrow
Middlesex HA1 2UJ
Contact details: 020 8420 9269 Ext 5269:
Email: dawn.calvert@harrow.gov.uk

5.2 In the absence of the MLRO, Sharon Daniels, Head of Strategic & Technical Services (Deputy Section 151 Officer), is authorised to deputise for her, and she can be contacted at the above address or on telephone number 020 8424 1332 (ext 2332) or email sharon.daniels@harrow.gov.uk

5.3 In the absence of both the MLRO and her deputy, you must contact your Head of Service or the Corporate Anti-Fraud Team for advice.

6.0 DISCLOSURE PROCEDURE

Reporting to the Money Laundering Reporting Officer

6.1 Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the legislation, **you must disclose this as soon as practicable to the MLRO or deputy. The disclosure should be within “hours” of the information coming to your attention.** not weeks or months later. **SHOULD YOU NOT DO SO, THEN YOU MAY BE LIABLE TO PROSECUTION.** The only exception to this is where you suspect the MLRO or Deputy is involved and to make a disclosure to either of them would be tipping off. In these circumstances you must contact the National Crime Agency (NCA) for advice on communication@nca.x.gsi.gov.uk or 0370 496 7622.

6.2 Your disclosure should be made to the MLRO using the proforma report attached at Appendix 1. The report must include as much detail as possible, for example:

- Full details of the people involved (including yourself, if relevant), e.g. name, date of birth, address, company names, directorships, phone numbers, etc;

- Full details of the nature of their/your involvement:
 - If you are concerned that your involvement in the transaction would amount to a prohibited act under the Money Laundering Legislation then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take any further part in the transaction - this is the case even if the client gives instructions for the matter to proceed before such consent is given.
 - You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.
- The types of money laundering activity involved if you are able to identify them from the categories in section 3.1 above.
- The dates of such activities, including:
 - Whether **the transactions have happened, are ongoing or are imminent**;
 - Where they took place;
 - How they were undertaken;
 - The (likely) amount of money/assets involved;
 - Why, exactly, you are suspicious – NCA will require full reasons;

Along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable her to prepare her report to NCA, where appropriate, you should also enclose copies of any relevant supporting documentation.

6.3 Once you have reported the matter to the MLRO you must follow any directions she may give you. **You must NOT make any further enquiries into the matter yourself.** Any necessary investigation will be undertaken by NCA. Simply report your suspicions to the MLRO who will refer the matter on to NCA if appropriate. **All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.**

6.4 Similarly, **at no time and under no circumstances should you voice any suspicions or raise suspicions by your actions** to the person(s) whom you suspect of money laundering, even if NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO otherwise you may commit a criminal offence of “tipping off” (see 3.1 above).

6.5 **Do not, therefore, make any reference on a client file to a report having been made to the MLRO** – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

Consideration of the disclosure by the Money Laundering Reporting Officer

6.6 Upon receipt of a disclosure report, the MLRO must note the date of receipt on her section of the report and acknowledge receipt of it. They should also advise you of the timescale within which they expect to respond to you. Usually this will be within ten (10) working days.

6.7 The MLRO will consider the report and any other available internal information they think relevant e.g.:

- Reviewing other transaction patterns and volumes;
- The length of any business relationship involved;
- The number of any one-off transactions and linked one-off transactions;
- Any identification evidence held;

And undertake such other reasonable enquiries they think appropriate in order to ensure that all available information is taken into account in deciding whether a suspicious activity report (SAR) to NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with you.

6.8 The MLRO will have access to the Corporate Anti-Fraud Team and Internal Audit to conduct enquiries on her behalf. The MLRO will report all incidents to Internal Audit for inclusion in the register of Suspected Financial Irregularities.

6.9 Once the MLRO has evaluated the disclosure report and any other relevant information, they must make a timely determination as to whether:

- There is actual or suspected money laundering taking place; or
- There are reasonable grounds to know or suspect that is the case; and
- Whether they need to seek consent from NCA for a particular transaction to proceed.

6.10 Where the MLRO does so conclude, then they must disclose the matter as soon as practicable to NCA on their standard report form. Their preferred method of receiving SARs is electronically through the SARs online system at <http://www.nationalcrimeagency.gov.uk/> . If this is not possible, then the MLRO may send it via email, using links approved by NCA or by post or fax in the prescribed manner.

6.11 Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then they must note the report accordingly; they can then immediately give their consent for any ongoing or imminent transactions to proceed. In cases where legal professional privilege may apply, the MLRO must liaise with the legal adviser to decide whether there is a reasonable excuse for not reporting the matter to NCA.

6.12 Although unlikely within a local government context, legal advisers who consider that legal professional privilege may apply should explain in the report to the MLRO the reasons fully as to why they contend the information is privilege. In cases where legal professional privilege may apply, the MLRO must liaise with the legal adviser to decide whether the information is exempt from the requirement to report suspected money laundering to NCA.

6.13 Where consent is required from NCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from NCA.

6.14 Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then they shall mark the report accordingly and give their consent for any ongoing or imminent transaction(s) to proceed.

6.15 All disclosure reports referred to the MLRO and reports made by them to NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five (5) years.

6.16 The MLRO commits a criminal offence if they know or suspect, or has reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to NCA.

7.0 CUSTOMER DUE DILIGENCE (CDD)

7.1 Customer Due Diligence (CDD) is a procedure which is carried out when undertaking "regulated activities" (this is the provision "by way of business" of amongst other things certain legal services, accountancy, audit, and other financial services) which requires that extra care is taken to check the identity of the customer or client.

7.2 Where the Council is carrying out relevant business (accountancy, tax, audit and certain legal services) and:

- a) Forms an ongoing business relationship with a client which is expected to have an element of duration; or
- b) Undertakes a one-off transaction involving payment by or to the client of 15,000 Euro (approximately £10,000) or more; or
- c) Undertakes a series of linked one-off transactions involving total payment by or to the client(s) of 15,000 Euro (approximately £10,000) or more; or
- d) It is known or suspected that a one-off transaction (or a series of them) involves money laundering or terrorist financing; or

- e) Doubts the veracity or adequacy of documents, data or information previously obtained for the purposes of identification or verification

then the CDD must be followed before any business is undertaken for that client. Verification may be carried out during the establishment of the business relationship where it is necessary not to interrupt the normal conduct of business and there is little risk of money laundering/terrorist financing occurring, provided that the verification is completed as soon as practicable after contact is first established.

7.3 The Regulations concerning CDD are detailed and complicated, however there are simple questions to assist you in deciding whether it is relevant:

- Is the service a regulated activity?
- Is the Council charging for the service i.e. is it "by way of business"?
- Is the service being provided to a customer other than a UK public authority?

If the answer to any of the above questions is no then it is not necessary for you to carry out CDD.

If the answer to all these questions is yes it will be necessary for you to carry out CDD before any business relationship can commence with the client. Any queries should be directed to the MLRO.

7.4 CDD is based on a risk-based approach. Its purpose is to verify that the client is who they say they are and that their money comes from a legitimate source, is being used for a legitimate purpose and that the transaction taking place is legitimate. CDD is an ongoing process.

7.5 This can be achieved by conducting some simple enquiries such as:

- checking with the customer's website to confirm their business address;
- conducting an on-line search via Companies House to confirm the nature and business of the customer and confirm the identities of any directors;
- attending to the client at their business address;
- seeking evidence from the key contact of their personal identity, for example their passport, and their position within the organisation.

7.6 It is a requirement under CDD that it applies as soon as we become involved with a new customer it should be applied on a risk sensitive basis for existing customers. You should bear in mind that CDD continues during the business relationship and should be applied in proportion to the risk of money laundering and terrorist funding, dependent upon the officer's knowledge of the customer and a regular scrutiny of the transactions undertaken.

7.7 If at any time, you suspect that a current client or customer or one you are planning to carry out a regulated activity, is conducting money laundering or terrorist financing, or has lied about their identity then you must report this to the MLRO.

7.8 Enhanced CDD is the gathering of additional evidence of identity or source of funds to be used in a transaction where:

- the client has not been physically present for identification;
- the client is a politically exposed person, that is an individual who at any time in the previous year has held a prominent public function outside of the UK and EU or international institution/body, this also includes their immediate family members or close associates;
- there is a beneficial owner who is not your client. A beneficial owner is a person who holds more than 25% of the shares, voting rights or interest in a company, partnership or trust.

7.9 To satisfy the requirements of enhanced CDD, you should acquire additional documentation, data or information confirming the client's identity and/or the source of the finances to be used in the business relationship or transaction. If it becomes necessary to engage in enhanced CDD, the MLRO must be notified prior to undertaking any action.

7.10 Once instructions to provide relevant business have been received, and it has been established that any of the paragraphs 7.1 to 7.9 apply, evidence of identity should be obtained as follows.

Internal clients:

7.11 Appropriate evidence of identity for Council departments will be signed, written instructions on Council headed notepaper or an email on the internal Outlook email system at the outset of a particular matter. Such correspondence should then be placed on the Council's client file along with a prominent note explaining which correspondence constitutes the evidence and where it is located.

External Clients:

7.12 The MLRO will maintain a central file of general client identification evidence regarding the external organisations to whom Financial Services and Legal Services provide professional services. You should check with the MLRO that the organisation in respect of which you require identification is included in the MLRO's central file and check the precise details contained in relation to that organisation. If the organisation is not included in the central file, you should discuss with the MLRO. You should also then obtain the following additional evidence.

7.13 For external clients, appropriate additional evidence of identity will be written instructions on the organisation's official letterhead at the outset of the matter or an email from the organisation's e-communication system. Such correspondence should then be placed on the Council's client file along with a prominent note explaining which correspondence constitutes the evidence and where it is located (and including a reference to a search of the MLRO's central file, if undertaken).

7.14 With instructions from new clients, or further instructions from a client not well known to you, you may wish to seek additional evidence of the identity of key individuals in the organisation and of the organisation itself.

7.15 In all cases, the evidence should be retained for at least five years from the end of the business relationship or transaction(s).

7.16 If satisfactory evidence of identity is not obtained at the outset of the matter then the business relationship or one off transaction(s) cannot proceed any further.

8.0 RECORD KEEPING PROCEDURES AND REPORTING

8.1 Each unit of the Council conducting relevant business must maintain records of:

- Client identification evidence obtained; and
- Details of all relevant business transactions carried out for clients

for at least five (5) years. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.

8.2 The precise nature of the records is not prescribed by law; however they must be capable of providing an audit trail during any subsequent investigation, for example distinguishing the client and the relevant transaction and recording in what form any funds were received or paid. In practice, the business units of the Council will be routinely making records of work carried out for clients in the course of normal business and these should suffice in this regard.

8.3 Wherever possible copies of verification evidence of client identification should be kept in a separate location additional to the client identification information on the client files.

8.4 Money Laundering incidents will be reported to the Governance, Audit and Risk Management Committee as part of the regular updates on Internal Audit and Corporate Anti- Fraud activity.

9 GUIDANCE AND TRAINING

9.1 In support of the policy and procedure, the Council will provide and update training for all relevant staff in respect of its procedures to prevent and identify money laundering and anti-terrorism situations via an e-training package in the learning pod:

10 RISK AREAS FOR LOCAL AUTHORITIES

10.1 Officer knew or ought to have known – could lead to convictions

10.2 Investment of third party funds

10.3 Property

10.4 Highways and planning agreement payments

10.5 Cash transactions unless collecting statutory charges in circumstances which are not obviously suspicious.

11.0 CONCLUSION

11.1 The legislative requirements concerning anti-money laundering procedures are lengthy and complex. This Policy has been written so as to enable the Council to meet the legal requirements in a way that is proportionate to the risk to the Council of contravening the legislation.

11.2 Should you have any concerns whatsoever regarding any transactions then you should contact the MLRO.

APPENDIX 1

CONFIDENTIAL

Report to Money Laundering Reporting Officer

To: Money Laundering Reporting Officer

From:
[insert name of employee]

Directorate: Ext/Tel

DETAILS OF SUSPECTED OFFENCE:

Name(s) and address(es) of person(s) involved:

[if a company/public body please include details of nature of business]

Nature, value and timing of activity involved:

[Please include full details e.g. what, when, where, how. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:
[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)?

[Please tick the relevant box]

Yes No

If yes, please include details below:

Have you discussed your suspicions with anyone else?

[Please tick the relevant box]

Yes No

If yes, please specify below, explaining why such discussion was necessary:

Have you consulted any supervisory body guidance re money laundering? (e.g. the Law Society)

[Please tick the relevant box]

Yes No

If yes, please specify below:

Do you feel you have a reasonable excuse for not disclosing the matter to the NCA? (e.g. are you a lawyer and wish to claim legal professional privilege?)
[Please tick the relevant box]

Yes No

If yes, please set out full details below:

Are you involved in a transaction which might be a prohibited act under sections 327- 329 of POCA and which requires appropriate consent from the NCA?

Yes No

If yes, please enclose details in the box below:

Please set out below any other information you feel is relevant:

Signed: dated.....

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received:

Date receipt of report acknowledged:

CONSIDERATION OF DISCLOSURE:

Action plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money-laundering activity?

Are you involved in a transaction which might be a prohibited act under sections 327- 329 of POCA and which requires appropriate consent from the NCA?

Yes No

If yes, please confirm date of report to NCA:

.....

and complete the box below:

Details of liaison with NCA regarding the report:

Notice Period: to

Moratorium Period: to

Is consent required from NCA to any ongoing or imminent transactions which would otherwise be prohibited acts?

Yes No

If yes, please confirm full details in the box below:

Date consent received from NCA:

.....

Date consent given by you to employee:

.....

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to NCA, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

.....

Other relevant information:

Signed:.....

Dated:.....

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

Social Media Protocol

What is a social media?

Social media is a collective term used to describe easy ways to create and publish on line. When people talk about social media, they often make reference to some well-known tools or products such as blogging, Facebook, Twitter and MySpace.

How does the Code of Conduct apply to social media sites?

When considering the application of the Code to social media, it is essential to consider whether the Code will apply to your social media site and which paragraphs you should be aware of in order to ensure ethical use of social media sites.

For the Code to apply to your use of social media paragraph 2 of the Code needs to be satisfied. Paragraph 2 makes it clear that the Code only applies when you are acting in your official capacity. Official capacity is defined as conducting the business of the authority or acting, claiming to act or giving the impression that you are acting as a councillor. The decision as to whether you are acting in your official capacity will depend on the particular facts of each case and the circumstances surrounding your social media site. There are a number of issues that will be taken into account when assessing this. These include:

How well known or high profile you are as a member. The more high profile you are, the more likely it is that you will be seen as acting in your official capacity when you blog or use a social mediaing site. Anonymous use of social media can also lead to a breach of the code were it can be proved that a member uploaded the site content and that they were acting in their capacity as a member.

The privacy settings on your blog or social media site. If you have a private, personal blog, ensure that you have appropriate privacy settings so that you decide who can read your posts. If you have a political blog this may well be open to all readers. If constituents are able to see your posts, they may assume that you are acting in your official capacity as their representative.

The profile on your social media site. You should set out clearly in your profile if this is a political or personal social media site. Identifying this will enable readers to better understand if you are seeking to act in your official capacity or not. Nevertheless it may be possible in a personal social media site to give the impression that you are acting as a member even though you have stated otherwise. Also, you cannot discuss council business on a personal social media site and/or make gratuitously offensive remarks about others who are linked to the council and then claim to be doing so in a private capacity.

When using social media sites you should bear in mind the following paragraphs of the Code will apply to your online behaviour just as they would to any other form of communication.

Paragraph 3(1) - Treating others with respect: The aim of the Code is not to stifle political opinions and arguments. As such, political comments and comments about ideas are less likely to be seen as disrespectful and result in a breach of the Code. However, personal jibes or remarks aimed at an individual may well be seen as disrespectful and could lead to a breach of the Code and possible sanctions.

Paragraph 3(2) (d) – Disclosing confidential information: Before releasing any information on your blog or social media site, check if it is confidential and if you have the right to release it.

Paragraph 5 – Disrepute: Because of your role, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an impact on your office or authority. Dishonest or deceitful behaviour in your role as a member may bring your office or the authority into disrepute.

Paragraph 6 (b) (i), 6(b) (ii) and 6(c) – Use of resources: You must not use local authority resources “improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.” Also you must ensure that these resources are not used improperly “for political purposes” - including party political purposes. See the Johnson case below.

You should also consider other online activities where the Code may apply:

Forum posts. If you go on to a forum and identify yourself as a member then it is likely that the Code will apply when you post entries. If you put content on the site which you could only have obtained as a member it is possible to argue that you have given the impression that you were acting as a member even if you did not identify yourself as such when you made the posting.

Comments made by others. It is also important to regularly check your own blog or social media site to ensure there are no defamatory or obscene comments posted by others. If this does happen you should remove the posts as soon as you become aware of them. You should also take steps to discourage users from posting such comments in the future.

“Friends” on social media sites. You should be aware that anyone you include as a friend on social media sites could be regarded as a “person with whom you have a close association” within the meaning of paragraph 8 of the code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

Human rights considerations

In considering whether your use of social media has breached the Code, Article 10 of the European Convention on Human Rights (the right to freedom of expression) must also be taken into account. You are less likely to breach the Code where you are making genuine political statements. This means that you are less likely to breach the Code if your comments are about another member’s political position or are a genuine expression of political differences with someone. The courts have established that this is because of the fundamental importance of freedom of political expression in a democratic society. However, any political expression should avoid being just an expression of personal anger or abuse towards someone since insults and abuse do not normally qualify for the protection of Article 10. If you make rude comments about a member of the public or an officer of an authority it is more likely that you will be found to have breached the Code.

Other issues to consider

There are also considerations apart from the Code that should be taken into account when using online media. The following is a brief guide to some of the legal pitfalls in establishing personal blogs. Almost all of these can be avoided if your online content is objective, balanced, informative and accurate.

In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

Libel

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against you.

Bias and Predetermination

If you are involved in determining planning or licensing applications, you should avoid publishing anything on your blog that might suggest you have already made up your mind about a matter you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.

Copyright

Placing images or text on your site from a copyrighted source (e.g. extracts from publications, photos etc) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

Data protection

Avoid publishing the personal data of individuals unless you have their express written permission.

Obscene material

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

Conclusion

Blogging and social media sites are excellent ways to engage a wider audience. In order to blog successfully, you should ensure that you comply with the Code and any other legal requirements.

It is also important to note that, the ethical use of online social media is not limited to what is covered in the Code. You should also consider the Ten General Principles of Public Life. While you may not be investigated or censured for using online media in certain ways, your conduct might still be viewed as less than exemplary and attract adverse publicity for your office and authority.

APPENDIX 1 – Application of cases

Examples which illustrate how the First Tier Tribunal and standards committees have viewed cases involving social media can be found in the following cases:

Councillor Mullaney APE 0400 and High Court judgment

Birmingham City Council

In this decision factors relevant to the conclusion that conduct was within “official capacity” included the following

- The subject member trespassed onto an individual’s property and shot a video that he subsequently posted on You Tube. The aim of the video was to galvanise the planning department into taking action concerning the building.
- The YouTube video concerned identified the subject member at the outset.
- The subject member identified himself several times as a member.
- The video was subsequently published on the subject member’s website - the homepage of which identified him as a member.
- References were made in the video to the jurisdiction of the subject member’s council.
- The subject member failed to remove or edit the video when requested.
- The tribunal decision on breach was upheld by the High Court and the case was sent back to the Appeals Tribunal to consider if the sanction they applied was appropriate.
- The sanction applied was a one month suspension.

Councillor McTigue APE 0421

Middlesbrough Council

The Appeals Tribunal accepted that

- Even if it became clear from the forum (an on-line forum hosted by the local newspaper) that an individual who was posting on the forum was a member, the Code would not automatically be engaged.
- The question was whether in the postings on the forum the member was deemed to be, or gave the impression that he or she was “acting in the role of member”.
- This was fact-sensitive and would very much depend on the content of the postings.
- The subject member had used a pseudonym and stated that she was on the forum as a resident who just happened to be a member. Taking the contents of the postings as a whole the member did give the impression that she was acting in the role of member and representing the council. In a series of posts the subject member discussed council business, outlined what had happened at council meetings and referred to herself as a councillor.
- Sanction applied was a two month suspension.

Mayor Johnson

Greater London Authority Standards Committee Decision

- The Mayor of London linked in his tweet to the front page of the Sun, which on that day had announced its decision to endorse the Conservative party.
- The standards committee found that he had breached paragraph 6(b) (ii) of the authority's Code because he tweeted using his mayoral twitter feed (thus using GLA resources) and was considered to be seeking to affect party political support.
- Sanction applied was for the monitoring officer to speak to the Mayor about his responsibilities under the code.

Councillor Sharratt APE 0458

South Ribble Borough Council

- The member was a journalist who published a small journal.
- The member neither claimed nor gave the impression of acting as a representative of the council. The magazine was 'published for fun', and a member of the public would be in no doubt, the panel said, that the journal was not a matter that was the business of the council.
- The Standards Committee accepted the argument that Cllr Sharratt used the magazine to conduct public discourse on the council and party issues, and that his activities on the council, the magazine and the party were seamlessly connected. However, the First-tier Tribunal disagreed. It said the decision in the case of Livingstone referring to 'activities which are apparently within the performance of a member's functions' should be narrowly construed.
- The appeals tribunal rejected the finding of the standards committee and concluded there had been no breach of the Code.
- No breach.

Councillor Barnbrook APE 470/471

London Borough of Barking and Dagenham

- The member appealed the decision of the standards committee of the London Borough of Barking and Dagenham.
- The member published a video on a website concerning statements about knife crime that were inaccurate.
- The key question considered by the tribunal was whether the member was acting in his official capacity when making the video.
- There was no evidence to support the position that the member was conducting the 'business of the Council' and the parties did not put forward any arguments to this effect
- The Tribunal was drawn to the conclusion that the making of the video was not proximate enough to the role of member so as to bring him into the ambit of acting in his capacity as a member. The Tribunal considered the following factors in reaching its conclusion:
 - The member was making a video on behalf of the BNP with its primary purpose being party political;
 - He was not identified as a member for the London Borough of Barking & Dagenham;

- He was not taking forward an issue relevant primarily to the London Borough of Barking & Dagenham;
- He was not taking forward an issue on behalf of an individual constituent; and,
- The video dealt with a range of issues and the Appellant did not concentrate upon issues within the London Borough of Barking & Dagenham.

- No breach.

(source: Standards for England)

O. Protocol for Members of the Public wishing to report on Meetings of Harrow Council

1. Members of the public are entitled to report on public meetings of the Council, except for any part of the meeting where the public have been excluded under Rule 12 of the Access to Information Procedure Rules because confidential or exempt information is likely to be disclosed. In this context 'members of the public' includes members of the Council.
2. Reporting means:-
 - a. filming, photographing or making an audio recording of the proceedings of the meeting;
 - b. using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - c. reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.
3. Oral commentary by someone in the meeting room while the meeting is taking place is not permitted. This is to prevent the business of the meeting being disrupted.
4. Anyone wishing to take photographs or video record by means of a handheld camera or other device is asked to inform a Democratic Services officer before the meeting so that they can be seated appropriately to avoid disruption to other members of the public.
5. Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand. In addition there should be no disruptive behaviour e.g. excessive noise in recording, intrusive lighting and flash photography.
6. No recording is permitted when the press and public have been excluded under Rule 12 of the Access to Information Rules and any recording equipment should not be left in the room.
7. Democratic Services will ensure that agendas for, and signage at, meetings make it clear that filming / recording can take place. By attending the meeting, the public are consenting to being filmed / recorded. However, those recording meetings are requested to respect the privacy of members of the public in attendance by focusing on the councillors and officers taking part in the meeting.

8. Most Council, Committee and Cabinet meetings are recorded by the Council and the recording is published on the Council's website.

P. Protocol on the Recording of Decisions made by Officers

Introduction

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

Decisions which must be recorded

Decisions made under a specific express delegation

2. These decisions are ones where a particular decision has been delegated to an officer by Council, a committee, sub-committee or Cabinet. Recording of these decisions is provided for in the Openness of Local Government Bodies Regulations 2014.

Decisions made under a general authorisation

3. These are decisions made under the scheme of delegations in the Constitution or in departmental schemes of delegations. The legislation requires that permissions or licences and decisions that affect the rights of individuals should be recorded. Examples of permissions or licences that should be recorded are set out at a – d below. Directorates may be aware of other permissions or licences that should be recorded. Legal Services takes the view that the category of decisions which ‘affect the rights of individuals’ covers only a narrow set of decisions as set out at e – g below:

- a. Highways:
 - i. Permits to undertake works on the highway
 - ii. Temporary Traffic Orders
 - iii. Permission for temporary suspension of Controlled Parking Spaces
 - iv. Street works licences
- b. Consents issued under the Land Drainage Byelaws
- c. Building Regulations approvals
- d. Licences granted in relation to:
 - i. Alcohol and entertainment
 - ii. Gambling
 - iii. Houses in Multiple Occupation
 - iv. Special Treatment Licensing
 - v. Skip, Scaffolding and Cranes
- e. Deprivation of liberty under Schedule A1 of the Mental Capacity Act 2005
- f. ‘Best interests’ decisions made under section 4 of the Mental Capacity Act 2005 which significantly affect the welfare of the individual about whom the decision is made for example:
 - i. Where they live;

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

How to record decisions

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

Record-keeping

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

Appendix 1

OFFICER DECISION RECORD FORM

Directorate and reference number

Subject matter/title

Decision taken

Date of decision

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

Terms of any express authorisation

Reasons for the decision

Alternative options considered/rejected by the officer

Conflicts of interest

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

PART 6

Members' Allowances Scheme

Members' Allowances Scheme

1. This scheme shall have effect until 31st March 2024. It replaces all former schemes.

Basic Allowance

2. A basic allowance of £9,063 per annum shall be paid to each Councillor.

Special Responsibility Allowances and Mayoral Allowances

3. (1) A special responsibility allowance shall be paid to those Councillors who have the special responsibilities in relation to the posts specified in Schedule 1 to this scheme. The amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
(2) An allowance of £11,311 per annum shall be paid to the Mayor and an allowance of £2,251 per annum shall be paid to the Deputy Mayor.
(3) No Member may receive special responsibility allowances in respect of more than one post. For the purposes of this paragraph, the mayoral allowances referred to in 3(2) above are considered to be special responsibility allowances.

Upating the Basic and Special Responsibility Allowances

4. The basic allowance and special responsibility allowances may be uprated annually in line with an index approved by the London Councils Independent Panel. The index to be used will be the level of the Local Government Pay Settlement. When making the scheme for 2024/25, the indexing arrangements will be reviewed.

Travel and Subsistence Allowances

5. The reimbursement of travel and subsistence expenses incurred in respect of **approved duties** (as set out in Schedule 2) **undertaken outside the Borough boundaries** can be claimed by Members, co-optees to formal Council committees and Independent Persons on the Governance, Audit, Risk Management and Standards Committee at the rates paid and on the conditions specified in the officer scheme for travel and subsistence allowances.

Carers' Allowance

6.
 - (1) The allowance shall only be paid for attendance at approved duties as listed in Appendix A.
 - (2) The maximum basic rate of pay is £3.00 per half hour for the duration of the meeting together with the Member's travel time between home and the place of the meeting and the carer's reasonable travelling time.
 - (3) The allowance is claimable in respect of children aged 15 or under or where a professional carer is required to meet a specialist need (eg a nurse for an elderly person).
 - (4) Actual costs will be paid on production of an invoice or receipt.
 - (5) Where the length of the meeting cannot be predicted and payment to the carer is necessarily contractually committed then a payment of up to 4 hours will be made. (For day time quasi-judicial meetings, payment of up to 8 hours may be made if the estimated length of the meeting is for the whole day).
 - (6) In addition, the reasonable travelling expenses of the person taking care of the dependent shall be reimbursed either at the appropriate public transport rate, or in cases of urgency or where no public transport is available, the amount of any taxi fare actually paid.
 - (7) The allowance is not to be paid where the carer is a member of the Member's household.
 - (8) Any dispute as to the entitlement and any allegation of abuse should be referred to the Governance, Audit, Risk Management and Standards Committee for adjudication.

Co-optees' Allowance

7. A basic allowance of £481 per annum shall be paid to co-optees to formal Council Committees and Independent Persons on the Governance, Audit, Risk Management and Standards Committee.

Sickness, maternity and paternity leave

- 8.1 All Members shall continue to receive their Basic Allowance in full in the case of pregnancy, maternity, paternity and sickness leave.
- 8.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of pregnancy, maternity, paternity and sickness leave in the same way that the Council's employees receive such benefits.
- 8.3 Where a Member's pregnancy renders her unable to attend a meeting of the Council for a period of 6 months, a dispensation will be granted in accordance with Section 85 Local Government Act 1972.
- 8.4 If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of party group position, the party group) the replacement will be entitled to claim an SRA.

Claims and Payments

9. (1) A claim for allowances or expenses under this scheme shall be made in writing within two months of the date of undertaking the duty in respect of which the entitlement to the allowance or expense relates.
- (2) Payment shall be made
 - (a) in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme each month;
 - (b) in respect of out-borough travel and subsistence expenses and Carers' Allowance, each month in respect of claims received up to one month before that date.

Backdating

10. Any changes made to this scheme during the year may be backdated to 1st April 2023 by resolution of the Council when approving the amendment.

Pensions

11. Allowances paid under the Harrow Members' Allowances Scheme will **not** be pensionable for the purposes of the Superannuation Act.

Renunciation

12. A person may, by notice in writing given to the Director of Legal and Governance Services, elect to forgo any part of his/her entitlement to an allowance under this scheme.

Approved duties for Carers' Allowance

- ◆ A meeting of the Executive.
- ◆ A meeting of a committee of the Executive.
- ◆ A meeting of the Authority.
- ◆ A meeting of a Committee or Sub-Committee of the Authority.
- ◆ A meeting of some other body to which the Authority make appointments or nominations.
- ◆ A meeting of a committee or sub-committee of a body to which the Authority make appointments or nominations.
- ◆ A meeting which has **both** been authorised by the Authority, a committee, or sub-committee of the Authority or a joint committee of the Authority and one or more other authorities, or a sub-committee of a joint committee **and** to which representatives of more than one political group have been invited (if the Authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups).
- ◆ A meeting of a Local Authority association of which the Authority is a member.
- ◆ Duties undertaken on behalf of the Authority in pursuance of any Procedural Rule of the Constitution requiring a member or members to be present while tender documents are opened.
- ◆ Duties undertaken on behalf of the Authority in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- ◆ Duties undertaken on behalf of the Authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

Schedule 1

Special Responsibility Allowances (SRAs)

There are 6 bands of SRAs:

Band	Post	SRA - £/annum
1	Chief Whips of the two largest Groups Deputy Leader of the second largest Group Lead Members for Scrutiny Chair of Licensing and General Purposes Committee Portfolio Holder Assistants	£2,267
2	Nominated Member of the party not holding the Chair of the Planning Committee Chair of the Traffic Advisory Panel Chair of Governance, Audit, Risk Management and Standards Committee Chair of the Pension Fund Committee Chair of the Performance and Finance Scrutiny Sub Chair of the Health and Social Care Scrutiny Sub Nominated Member of the largest party not holding the Chair of the Performance and Finance Scrutiny Sub	£5,075
3	Nominated Member of the largest party not holding the Chair of the Overview and Scrutiny Committee Non Executive Members of Cabinet	£7,321
4	Chair of the Overview and Scrutiny Committee Chair of the Planning Committee Leader of the Second Largest Group	£9,566
5	Cabinet Members	£21,704
6	Leader of the Council	£33,904

Note

The Groups are as follows:-

Largest Group = Labour Group

Minority Group = Conservative Group

PART 7

Glossary

Glossary of Terms used in the Constitution

Advisor	A person, who is neither a Member nor an officer of the Council, appointed by a committee, sub-committee or panel to advise on specific matters or generally. This person cannot vote.
Allocation of Responsibilities	Formerly known as the Scheme of Delegation, this document (in Part 3 of the Constitution) sets out which committee, councillor or officer is responsible for particular functions of the Council.
Articles	The basic rules governing the Council's business.
Background Papers	The law says that report authors must list any papers used in compiling a report for decision, and these papers must be available for 4 years to anyone wishing to inspect them.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The Councillors who, together with the Leader, form the Executive.
Call-in	A mechanism, which allows the Overview & Scrutiny Committee to examine, and challenge, an Executive decision before it is implemented.
Chief Financial Officer	Also known as the "Section 151 Officer". The officer responsible for the administration of the financial affairs of the Council. This is a statutory 'proper officer' role.
Chief Officers	The most senior Council staff – see Article 12 and the Officer Employment Procedure Rules.
Committee Procedure Rules	Rules governing meetings of Council committees and sub-committees. Note that different rules govern Executive meetings.
Clear Working Days	Relevant to prior notice of decisions – all agendas and papers for decision in public must be available 5 clear working days before the decision is taken (special rules can apply to urgent late items). The five days does NOT include the day the papers are sent out or the date of the meeting (hence the use of 'clear'). 'Working' is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays and Bank Holidays.
Confidential Information	Information either given to the Council by the Government

on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order. (see also 'Exempt Information' below)

Constitution	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Co-optee/Co-opted	A non-Councillor (may be non-voting) appointed to serve on a Committee/Sub-Committee in a participatory capacity. Some co-optees on Lifelong Learning Scrutiny sub-committee are able to vote.
Council Committees	May be established by the Council to assist with non-Executive functions.
Delegation	Formal authorisation for a committee, portfolio holder, joint committee or officer to take an action, which is the ultimate responsibility of the Council or Executive.
Ethical Standards Officer	An independent officer appointed by the Standards Board for England, who investigates allegations that a Councillor has failed to comply with the Councillors' Code of Conduct, and associated matters.
Executive	The Leader and the Cabinet; responsible for carrying out almost all of the local authority's functions. The Executive must consist of a minimum of three Councillors, including the Leader, and a maximum of 10.
Corporate Directors	The officers in charge of the Council Directorates.
Executive Procedure Rules	The rules of procedure governing meetings of the Executive. Note that Advisory Panels and Consultative Forums established by the Executive have their own set of procedure rules.
Exempt Information	Information, falling into one of 7 categories set out in the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 and the Local Government (Access to Information) (Variation) Order 2006 which usually cannot be publicly disclosed – see the Access to Information Procedure Rules in Part 4 of the Constitution.
Forward Plan	A schedule of the Key Decisions the Executive expects to take over the next 4 months.

Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council. The Head of Paid Service is a statutory 'proper officer' role.
Joint Committee	A body appointed under Section 101 of the Local Government Act 1972 (e.g. Association of London Government (ALG) Transport and Environment Committee, Trading Standards Consortium).
Key Decision	A decision by the Executive, which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Wards (sometimes 1 Ward). (See Article 13 for more information).
Leader of the Council	Elected by the whole Council, usually though not always from within the party with most Councillors on the Council. Proposes the membership of the Executive, which must then be approved by the whole Council. Leads and Chairs the Executive.
Mayor	The first citizen of the Borough. Promotes the Council as a whole and carries out ceremonial duties on behalf of the Authority. Also Chairs meetings of the whole Council.
Monitoring Officer	The Council officer charged with ensuring that everything that the Council does is fair and lawful. The Monitoring Officer is currently the Director of Corporate Governance. This is a statutory 'proper officer' role.
Overview & Scrutiny	A main committee and four sub committees established to provide support and advice to the Executive by contributing to the review and development of policy; also to hold the Executive to account by questioning, challenging and monitoring their performance.
Budget and Policy Framework	The plans and strategies, which have to be adopted by the full Council and within which the Executive have to operate – see Article 4.
Political Proportionality	A legal principle which dictates that Committees of the Council (but not the Executive) must include elected politicians in proportion to the size of their groups on the Council as a whole.
Portfolio Holder	Responsible for ensuring the effective management and delivery of Executive functions. Each Portfolio Holder has specific areas of responsibility. (See Part 3A – Allocation of Responsibilities).
Procedure Rules	Detailed rules, which govern how, the Council operates

and how decisions are taken. See Part 4 of the Constitution.

Proper Officer	A senior officer of the Council who is given a set of responsibilities by statute.
Protocols	Codes of Practice, which set out how, for example, various elements of the Council, are expected to interact with each other.
Quorum	The minimum number of people who have to be present before a meeting can take place. (This is set out in the relevant Rules of Procedure in Part 4 of the Constitution)
Reserves	On most committees councillors can appoint a reserve (or substitute) councillor to attend a meeting, which they cannot attend themselves.
Standards Board for England	A national body, appointed by the Secretary of State, responsible for promoting and maintaining high standards of conduct by Councillors.
Summons	The term used to describe the Agenda for meetings of the full Council.
Virement	Moving budget funds from one area of expenditure to another within a financial year.