

COUNCIL (EXTRAORDINARY)

MINUTES

23 MAY 2013

- Present:**
- * Councillor Nana Asante (The Worshipful the Mayor)
 - * Councillor Mrs Camilla Bath (The Deputy Mayor)
- Councillors:**
- | | |
|------------------------------|---------------------|
| * Husain Akhtar | * Mrs Vina Mithani |
| * Sue Anderson | * Amir Moshenson |
| * Marilyn Ashton | * Chris Mote |
| * Christine Bednell | * Janet Mote |
| * James Bond | * John Nickolay |
| * Mrs Lurline Champagnie OBE | * Joyce Nickolay |
| * Kam Chana | * Christopher Noyce |
| * Ramji Chauhan | * Phillip O'Dell |
| * Mrinal Choudhury | * Asad Omar |
| * Bob Currie | * Paul Osborn |
| * Margaret Davine | * Varsha Parmar |
| * Mano Dharmarajah | * David Perry |
| * Tony Ferrari | * Bill Phillips |
| * Keith Ferry | * Raj Ray |
| * Ann Gate | * Richard Romain |
| * David Gawn | * Anthony Seymour |
| * Stephen Greek | * Lynda Seymour |
| * Mitzi Green | * Navin Shah |
| * Susan Hall | * Mrs Rekha Shah |
| * Graham Henson | * Sachin Shah |
| * Thaya Idaikkadar | * Stanley Sheinwald |
| * Nizam Ismail | * Victoria Silver |
| * Krishna James | * Bill Stephenson |
| * Manji Kara | * William Stoodley |
| * Zarina Khalid | † Krishna Suresh |
| * Jean Lammiman | * Sasi Suresh |
| * Barry Macleod-Cullinane | * Yogesh Teli |
| * Kairul Kareema Marikar | * Ben Wealthy |
| * Ajay Maru | * Simon Williams |
| * Jerry Miles | * Stephen Wright |

- * Denotes Member present
- † Denotes apologies received

PRAYERS

The meeting opened with Prayers offered by Dr Suzanne Nti.

301. DECLARATIONS OF INTEREST

Item 4 – Appointment of Representatives to Outside Bodies

Councillor Barry Macleod-Cullinane declared a non-pecuniary interest in that he was an employee of London Councils Ltd.

302. LEADER OF THE COUNCIL

- (i) At this item, a Motion was proposed in the names of Councillors Sachin Shah and Bill Phillips to remove the Leader of the Council, Councillor Thaya Idaikkadar, from office.
- (ii) Upon a request by more than 10 Councillors a roll call vote was held on the Motion to remove the Leader from office.
- (iii) Upon the vote, the Motion to remove the Leader of the Council from office was lost.

RESOLVED: That the Motion to remove the Leader of the Council from office be defeated.

Roll Call Vote:

In Favour of the Motion: Councillors Anderson, Choudhury, Currie, Davine, Ferry, Gate, Green, Henson, Marikar, Maru, Miles, O'Dell, Parmar, Perry, Phillips, Ray, Robson, Navin Shah, Rekha Shah, Sachin Shah, Silver, Stephenson, Sasikala Suresh and Wealthy.

Against the Motion: The Worshipful The Mayor Councillor Asante, Councillors Akhtar, Ashton, Bath, Bednell, Champagnie, Chana, Chauhan, Dharmarajah, Ferrari, Gawn, Greek, Hall, Idaikkadar, Ismail, James, Kara, Khalid, Lammiman, Macleod-Cullinane, Mithani, Moshenson, Chris Mote, Janet Mote, John Nickolay, Joyce Nickolay, Omar, Osborn, Romain, Anthony Seymour, Lynda Seymour, Stoodley, Teli, Williams and Wright.

Abstain: Councillors Bond, Noyce and Sheinwald.

303. CABINET AND COMMITTEE MEMBERSHIPS

- (i) Further to item 2 on the Summons, the Leader of the Council (Councillor Thaya Idaikkadar) confirmed his Deputy Leader and the membership of the Cabinet and respective Portfolios as:

Name of Portfolio	Cabinet Member	Ward
Leader, Business Transformation and Communications, Finance, Property & Major Contracts, Performance, Customer Services and Corporate Services	Councillor Thaya Idaikkadar	Roxeth
Deputy Leader, Environment and Community Safety	Councillor Asad Omar	Headstone South
Adults Social Care, Health and Well-Being	Councillor Krishna James	Marlborough
Children, Schools and Families	Councillor Zarina Khalid	Queensbury
Community & Cultural Services, Housing	Councillor Nizam Ismail	Queensbury
Planning and Regeneration	Councillor William Stoodley	West Harrow
Non-Executive Cabinet Member	Councillor Susan Hall	Hatch End
Non-Executive Cabinet Member	Councillor Barry Macleod-Cullinane	Belmont

(ii) The Council received confirmation, in the tabled Supplementary Summons, of the nominations by the Political Groups to places on Committees of the Council in accordance with proportional entitlements.

(iii) Upon a vote, the substantive recommendations were adopted.

RESOLVED: That

(i) **it be noted Councillor Asad Omar was the Deputy Leader of the Council;**

(ii) **the membership of the Executive (Cabinet), allocation of Portfolios to Executive Members for 2013/14, together with the Terms of Reference of the Cabinet and the delegations to Portfolio Holders be noted;**

- (iii) the Committees of the Council be determined in accord with the “political balance” rules in the Local Government and Housing Act 1989 and established with the memberships now agreed for the Municipal Year 2013/14, as detailed at Appendix I to these minutes;
- (iv) the terms of reference of the above Committees, as set out in Appendix I be agreed.

304. APPOINTMENT OF CHAIRMEN TO COMMITTEES

- (i) Within the tabled Supplemental Summons, the Council received proposals from the Political Groups as to the appointment of Chairmen to Committees of the Council for the Municipal Year 2013/14.
- (ii) Upon a request by more than 10 Councillors a roll call vote was held on a Motion on the appointments of the Conservative and Independent Labour Group nominations (as applicable) to the Licensing & General Purposes Committee, Overview and Scrutiny Committee, Planning Committee and Pension Fund Committee.

RESOLVED: That the following Chairmen of Committees be appointed for the Municipal Year 2013/14:

Governance, Audit & Risk Management Committee	Councillor Richard Romain
Licensing & General Purposes Committee	Councillor Mano Dharmarajah
Overview & Scrutiny Committee	Councillor Paul Osborn
Planning Committee	Councillor William Stoodley
Pension Fund Committee	Councillor Richard Romain

Roll Call Vote:

In Favour of the Motion: The Worshipful The Mayor Councillor Asante, Councillors Akhtar, Ashton, Bath, Bednell, Bond, Champagne, Chana, Chauhan, Dharmarajah, Ferrari, Gawn, Greek, Hall, Idaikkadar, Ismail, James, Kara, Khalid, Lammiman, Macleod-Cullinane, Mithani, Moshenson, Chris Mote, Janet Mote, John Nickolay, Joyce Nickolay, Omar, Osborn, Romain, Anthony Seymour, Lynda Seymour, Stoodley, Teli, Williams and Wright.

Against the Motion: Councillors Anderson, Choudhury, Currie, Davine, Ferry, Gate, Green, Henson, Marikar, Maru, Miles, O'Dell, Parmar, Perry, Phillips, Ray, Robson, Navin Shah, Rekha Shah, Sachin Shah, Silver, Stephenson, Sasikala Suresh and Wealthy.

Abstain: Councillors Noyce and Sheinwald.

305. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

Item 4 on the Summons provided for the receipt of proposals from the Political Groups as to the appointment of representatives of the Authority to serve on Outside Bodies for the Municipal Year 2013/14.

RESOLVED: That the Outside Body appointments for the Municipal Year 2013/14 be approved, as set out Appendix II to these minutes.

306. HEALTH AND WELLBEING BOARD, HEALTH SCRUTINY, PUBLIC HEALTH AND CHANGES TO THE CONSTITUTION

Further to item 5 on the Summons, the Mayor moved the recommendations from the report of the Director of Legal and Governance Services.

RESOLVED: That

- (1) a Health and Wellbeing Board be established as a committee of the Council with the terms of reference and procedure rules as set out in Appendix III to these minutes and included in the revisions to Part 3A of the Terms of Reference before the Council;**
- (2) the transfer of public health functions to the Council from 1 April 2013 be noted and the constitutional changes to reflect this be agreed as set out in Appendix IV to these minutes and included in the revisions to Part 3A of the Terms of Reference before the Council;**
- (3) a Health and Social Care Scrutiny Sub-Committee responsible for the Council's health scrutiny functions continue to operate with the revised delegations as set out in Appendix V to these minutes and included in the revisions to Part 3A of the Terms of Reference before the Council and including the power to make recommendations to Council on referrals to the Secretary of State under regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013;**
- (4) the consequential Constitutional amendments at Appendix VI to these minutes be approved.**

307. SCRUTINY ANNUAL REPORT 2012/13

Further to item 6 on the Summons, the Chairman of the Overview and Scrutiny Committee, Councillor Paul Osborn moved Recommendation I of the Overview and Scrutiny Committee meeting held on 9 April 2013.

RESOLVED: That the Scrutiny Annual Report 2012/13, as contained in the Summons, be noted.

308. FINANCIAL PROCEDURE RULES

Further to item 7 on the Summons, the Leader of the Council, Councillor Thaya Idaikkadar moved Recommendation I of the Cabinet meeting held on 11 April 2013.

RESOLVED: That the existing Financial Regulations be replaced with the revised set of Financial Procedure Rules as contained in Appendix VII to these minutes.

309. ACCESS TO INFORMATION AND EXECUTIVE PROCEDURE RULES

At Item 8 on the Summons and subject to tabled revisions, the Council received a report detailing revisions to the Executive and Access to Information Procedure Rules within the Council's Constitution to take into account the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

RESOLVED: That the proposed changes to the Access to Information and Executive Procedure Rules be agreed and adopted as contained in Appendix IX to these minutes.

310. CORPORATE DIRECTORS' DELEGATED POWERS

At Item 9 on the Summons, the Council received a report detailing proposals for the Delegated Powers of Corporate Directors and Statutory Officers and the Director of Public Health.

RESOLVED: That the arrangements for the Delegated Powers of Corporate Directors, Statutory Officers and the Monitoring Officer circulated be approved and incorporated into the Constitution at Part 3B, as contained in Appendix VIII to these minutes.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 8.19 pm).

(MAY 2013)**LONDON BOROUGH OF HARROW COMMITTEE MEMBERSHIPS 2013/14**

(Membership in order of political group nominations)

(I) GOVERNANCE, AUDIT & RISK MANAGEMENT COMMITTEE (7)

	Conservative	Labour	Independent Labour	Ungrouped
	(3)	(3)	(1)	
I. Members	Amir Moshenson Chris Mote Richard Romain *	Varsha Parmar Bill Phillips * Sachin Shah	Mano Dharmarajah	
II. Reserve Members	1. Tony Ferrari 2. Kam Chana 3. Anthony Seymour	1. Graham Henson 2. Sue Anderson 3. Ajay Maru	1. Vacant	

(CH)

= Chair

*

Denotes Group Members for consultation on Delegated Action and/or administrative matters.

GOVERNANCE, AUDIT AND RISK MANAGEMENT COMMITTEE

The Governance Audit and Risk Management Committee has the following powers and duties:

- a) To ensure that the Council's governance framework is in line with current guidance and best practice.
- b) To review the Council's governance framework and annual improvement plan and monitor progress.
- c) To review the Council's risk management strategy and monitor progress on risk management.
- d) To monitor the Council's insurance arrangements.
- e) To review the Council's emergency planning and business continuity arrangements and monitor progress on emergency planning and business continuity.

- f) To review the Council's Health and Safety arrangements and monitor progress on Health and Safety.
- g) To approve the financial statements of the authority, in particular:
- The outcome of reviews of the effectiveness of the internal control arrangements including internal audit
 - Changes in and compliance with accounting policies and practices
 - Unadjusted mis-statements in the financial statements
 - Major judgemental areas
 - Significant adjustments resulting from the audit
 - Any relevant issues raised in the external auditor's report to those charged with governance
 - the Annual Governance Statement prior to sign-off
- h) To review the Treasury Management strategy and monitor progress on treasury management in accordance with CIPFA codes of practice.
- i) To monitor compliance with internal controls.
- j) To consider matters arising from External Audit work which are required to be communicated to those charged with governance under the Statement of Auditing Standards (**ISA260**).
- k) To receive and consider the Annual Audit and Inspection Letter (or equivalent) and make recommendations as appropriate.
- l) To scrutinise/comment on the Internal Audit three year strategic plan and annual plan.
- m) To monitor progress against the Internal Audit plan and receive summaries of audit work completed and key recommendations.
- n) To consider all individual Internal Audit reports on a regular basis.
- o) To scrutinise/comment on the External Audit plan and fees.
- p) To monitor progress against the External Audit plan and receive summaries of audit work completed and key recommendations.
- q) To consider individual External Audit reports and inspection reports carried out by external agencies as appropriate and at the request of the Committee.
- r) To review the management response to audit and regulatory recommendations and progress on implementation of recommendations.
- s) To recommend action where audit and regulatory recommendations are not being implemented.
- t) To monitor on a regular basis the Council's approach to tackling fraud and corruption and promote an anti-fraud culture.

- u) To consider the appointment of co-opted members and review the adequacy of meeting frequencies in response to the Committee's remit.
- v) To appoint and maintain appropriate Lead Members from the Committee to monitor, review and update on specific areas of the Committee's remit.

(II) HEALTH AND WELLBEING BOARD

Conservative

Labour

**Independent
Labour**

Ungrouped

I. Members

Simon Williams

Margaret Davine

**Krishna James
(CH)
Zarina Khalid**

II. Reserve Members

Dr Amol Kelshiker (Clinical Commissioning Group Chair) (Clinical Commissioning Group)
(VC)

Catherine Doran, Corporate Director, Children and Families, Harrow Council

Andrew Howe, Director of Public Health, Community, Health and Wellbeing Group

Rob Larkman, Harrow Commissioning Group

Deven Pillay, Representative of the Voluntary and Community Sector. Harrow Mencap

Javina Sehgal (Chief Operating Officer) (Harrow PCT)

Dr Genevieve Small, Clinical Director, Clinical Commissioning Group

Trina Thompson, Officer, Harrow Council

(CH) = Chair

* Denotes Group Members for consultation on Delegated Action and/or administrative matters.

HEALTH AND WELLBEING BOARD

1. Accountability

The Health and Wellbeing Board is set up in accordance with section 102 of the Health and Social Care Act 2012. The Council can choose to delegate decision making powers to the Health and Wellbeing Board. Any recommendations are subject to the agreement of the Leader of the Council if they are not covered by the delegated authority.

The Board will undertake a review within 6 months to agree what decision making powers if any are required. These will then need to be agreed by Full Council.

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

2. Purpose of the Board

2.1. The Government proposes that statutory health and wellbeing boards will have 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 will cover 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.

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 CCG commissioning plans have had sufficient regard to the Joint Health and Wellbeing strategy
 - 3.1.6. To have a role in agreeing the commissioning arrangements for local Healthwatch
 - 3.1.7. To consider how to best use the totality of resources available for health and wellbeing.
 - 3.1.8. To oversee the quality of commissioned health services
 - 3.1.9. To provide a forum for public accountability of NHS, public health, social care and other health and wellbeing services
 - 3.1.10. To monitor the outcomes of the public health framework, social care framework and NHS framework introduced from April 2013)
 - 3.1.11. To authorise Harrow's Clinical Commissioning Group annual assessment
 - 3.1.12. To produce a Pharmaceutical Needs Assessment and revise every three years (First PNA to be produced by 1st April 2015)
 - 3.1.13. Undertake additional responsibilities as delegated by the local authority or the Clinical Commissioning Group 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.

4.2. The voting membership will be:

- Members of the Council nominated by the Leader of the Council (4)
- Chair of the Harrow Clinical Commissioning Group (vice chair)
- GP representative of the Harrow Clinical Commissioning Group
- A further representative of the Harrow Clinical Commissioning Group
- Chair of Healthwatch

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
- Accountable Officer – CCG
- Chief Operating Officer – CCG
- Corporate Director Community, Health and Wellbeing
- Corporate Director Children's Services
- 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. Members are appointed annually. Members of the Board 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. The chair of the Clinical Commissioning Group will serve as the vice chair of the Health and Wellbeing Board.

4.8. Providers will be invited to attend meetings as required depending on the subject under discussion.

4.9. Participation of the NHS Commissioning Board

4.9.1. The National Health Service Commissioning Board 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

4.9.2. The Health and Wellbeing Board can request the participation of the NHS Commissioning Board representative when the Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of the National Health Service Commissioning Board in relation to Harrow

4.10. Meeting Frequency

4.10.1. The Board shall meet bi monthly subject to review

4.10.2. 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

4.11. Health and Wellbeing Board Executive

4.11.1. 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 six weekly 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
- The meetings of the Executive will be scheduled to meet before the Board.

4.12. Local Safeguarding Boards

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

4.12.1.1. Local Safeguarding Adults Board

4.12.1.2. Harrow Local Children's Safeguarding Board

4.13. Sub Groups

4.13.1. The Board will review each year which sub groups are to be established based on the Boards priority areas

4.13.2. The Sub Groups will ensure that the views of patients and service users are included.

4.13.3. Sub groups will be informal officer level groups.

4.13.4. Sub groups should provide a copy of their previous minutes or a list of issues for discussion at alternate Health and Wellbeing Board meetings to be considered by members.

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 Clinical Commissioning Group. 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 Chairman 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.

(III) LICENSING AND GENERAL PURPOSES COMMITTEE (15)

	Conservative	Labour	Independent Labour	Ungrouped
	(6)	(6)	(2)	(1)
I. Members	Ramji Chauhan Susan Hall * Manji Kara Amir Moshenson John Nickolay Anthony Seymour	Mrinal Choudhury Kairul Kareema Marikar Ajay Maru Phillip O'Dell Varsha Parmar * Krishna Suresh	Husain Akhtar Mano Dharmarajah *	David Gawn
II. Reserve Members	1. Lynda Seymour 2. Mrs Camilla Bath 3. Stephen Wright 4. Kam Chana 5. Yogesh Teli 6. Chris Mote	1. Bill Stephenson 2. Sachin Shah 3. Ann Gate 4. Sue Anderson 5. Bill Phillips 6. Raj Ray	1. Vacant 2. Vacant	

(CH)

= Chair

*

Denotes Group Members for consultation on Delegated Action and/or administrative matters.

LICENSING AND GENERAL PURPOSES COMMITTEE

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

- (a) To consider all matters which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 2001 (as amended) listed by Committee in the Schedule to this document, which 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 Local Government Superannuation Regulations and the Teachers' Superannuation Regulations and 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.

(IV) OVERVIEW AND SCRUTINY COMMITTEE (9)

	Conservative	Labour	Independent Labour	Ungrouped
	(4)	(4)	(1)	(0)
I. Members	Kam Chana Tony Ferrari Paul Osborn * Stephen Wright	Sue Anderson Ann Gate Graham Henson Jerry Miles *	Mano Dharmarajah	
II. Reserve Members	1. Chris Mote 2. Amir Moshenson 3. Christine Bednell 4. Marilyn Ashton	1. Bill Phillips 2. Victoria Silver 3. Sachin Shah 4. David Perry	1. Husain Akhtar	

(CH)

= Chair

*

Denotes Group Members for consultation on Delegated Action and/or administrative matters.

Voting Co-opted Members:

- (1) Two representatives of Voluntary Aided Sector
- Mrs J Rammelt/Reverend P Reece
- (2) Two representatives of Parent Governors
- Vacancy (Primary) / Mrs A Khan (Secondary)

[Note: The Scrutiny Leads should be main members of their respective committees].

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 poor performance 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 respond 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 have regard, in carrying out its functions, to the requirement to involve local representatives, as set out in Part Seven of the Local Government and Public Involvement in Health Act 2007;
8. 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;
9. To consider items included in the Forward Plan;
10. To consider Councillor Call for Action in terms of
 - a. Local Government Matters (Section 119, Local Government and Public Involvement in Health Act 2007)
 - b. Local Crime & Disorder Matters (Section 19, Police & Justice Act 2006)
11. To discharge the functions conferred by Section 21(f) of the Local Government Act 2000 of reviewing and scrutinising, in accordance with regulations under Section 7 of the Health and Social Care Act 2001, 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 any organisation which provides health services outside the local authority's area to inhabitants within it.

(V) PENSION FUND COMMITTEE (7)

	Conservative	Labour	Independent Labour	Ungrouped
	(2)	(2)	(0)	(0)
I. Members	Tony Ferrari Richard Romain *	Keith Ferry * Sachin Shah		
II. Reserve Members	1. Stephen Wright 2. Kam Chana	1. Bill Phillips 2. Bill Stephenson		

Harrow UNISON Co-optee (Non-voting): Steve Compton
GMB Co-optee (Non-voting): Sanjay Karia
Co-optee (Non-voting): Howard Bluston

(CH) = Chair
* Denotes Group Members for consultation on Delegated Action and/or administrative matters.

PENSION FUND COMMITTEE

The Pension Fund Committee has the following powers and duties:

- 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;
- the determination of applications under the Local Government Superannuation Regulations and the Teachers' Superannuation Regulations;
- to administer all matters concerning the Council's pension investments in accordance with the law and Council policy;
- to establish a strategy for the disposition of the pension investment portfolio; and
- to appoint and determine the investment managers' delegation of powers of management of the fund.

(VI) PLANNING COMMITTEE (7)

	Conservative	Labour	Independent Labour	Ungrouped
	(3)	(3)	(1)	(0)
I. Members	Stephen Greek * Simon Williams Stephen Wright	Mrinal Choudhury Keith Ferry* Bill Phillips	William Stoodley*	
II. Reserve Members	1. Kam Chana 2. Amir Moshenson 3. Joyce Nickolay	1. Graham Henson 2. Ajay Maru 3. Sachin Shah	1. Vacant	

(CH)

= Chair

*

Denotes Group Members for consultation on Delegated Action and/or administrative matters.

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 Cabinet.
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) listed by Committee in the schedule to this document.

(VII) STANDARDS COMMITTEE (5 Councillors + 4 Independents)

	Conservative	Labour	Independent Labour	Ungrouped
	(2)	(2)	(1)	(0)
I. Members	Paul Osborn Simon Williams *	Graham Henson Phillip O'Dell	Mano Dharmarajah	
II. Reserve Members	1. Chris Mote 2. Joyce Nickolay 3. John Nickolay	1. Mitzi Green 2. Jerry Miles		
III. Independent Persons	Independent Persons (Quorum 2):- and Mr James Coyle Dr John Kirkland Mr Derek Lawrence (Vacancy) (appointed until 2014)			

Membership rules:

- i. An Elected Mayor or the Leader may not be Members;
- ii. The Chair of the Committee must not be a Member of the Executive;
- iii. Only one member of the Executive can be a member of the Committee;

STANDARDS COMMITTEE

The Standards Committee will have the following powers and duties:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and “church” and parent governor representatives;
- (b) assisting Councillors, co-opted members and “church” and parent governor representatives to observe the Members’ Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (d) monitoring the operation of the Members’ Code of Conduct;
- (e) developing and recommending local protocols to the Council to supplement the Members’ Code of Conduct;
- (f) enforcing local protocols and applying sanctions in respect of breaches as appropriate;
- (g) 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;

- (h) 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;
- (j) to keep under review and amend, as appropriate, the Protocol on Councillor/Officer Relations;
- (k) to keep under review the Officer Code of Conduct and, after consultation with unions representing staff, make recommendations to Council for amendment or addition;
- (l) 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;
- (m) to have oversight of the Council’s Whistleblowing Policy;
- (n) to agree the policy for decisions on payments to those adversely affected by Council maladministration (under section 92 Local Government Act 2000);
- (o) 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;
- (p) 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;
- (q) 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.

(VIII) STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (3)

	Conservative	Labour	Independent Labour	Ungrouped
	(1)	(1)	(0)	(1)
I. Members	Mrs Camilla Bath	Sasi Suresh		Vacant
II. Reserve Members	1. Mrs Lurline Champaigne OBE 2. Manji Kara	1. Bill Phillips		1. Vacant

(Note: Chairman to be appointed at a SACRE meeting).

1. To advise the Borough's Teachers and the Manager of the Library Service on the provisions of appropriate teaching resources in support of the Harrow agreed RE syllabus.
2. To assist teachers in RE by devising and making available to them schemes of work and teaching materials based upon the Harrow agreed syllabus.
3. To assist in identifying teachers' in-service needs and in conjunction with the Teachers' Centre and the Advisory and Inspection Service, to arrange appropriate courses for teachers.
4. To make recommendations to the Corporate Director Children & Families on resources deemed desirable for implementing and reviewing the agreed syllabus and in furthering the effectiveness of religious education in Harrow Schools.
5. To call a Standing Conference for reviewing the agreed syllabus of Religious Education from time to time.
6. To approve exemptions from Statutory Regulations on Acts of Worship.

Membership (Total 41 persons)

- Group A - Representatives of Christian 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 Councillors and a representative of the Harrow Humanist Association).
 - Group E - Co-opted Members (5)
- (1) Adviser to the Council nominated by the Corporate Director Children & Families.

APPOINTMENTS TO OUTSIDE BODIES 2013/14

APPENDIX II

Name of body	No. reps.	Appointee (for 2013/14)	Deputies where applicable (for 2013/14)
(Brent and Harrow) Trading Standards Joint Advisory Board	3 (+ 3 deputies)	1. Cllr Keith Ferry 2. Cllr Ajay Maru 3. Cllr Susan Hall	1. Vacancy 2. Vacancy 3. Cllr Mrs Vina Mithani
Age UK Harrow	2	1. Cllr Victoria Silver 2. Cllr Manji Kara	N/A
Age UK London Conference	1	Cllr Margaret Davine	N/A
Bentley Priory Nature Reserve Management Committee	4	1. Cllr Keith Ferry 2. Cllr William Stoodley 3. Cllr Manji Kara 4. Cllr Joyce Nickolay	N/A
Central and NW London NHS Foundation Trust (3 year term)	1	Cllr Margaret Davine	N/A
Deputy Lord Lieutenant's Committee	5 (Mayor + 4 reps)	1. Alderman Toms 2. Cllr Mrinal Choudhury 3. Cllr Mrs Camilla Bath 4. Cllr Chris Mote 5. Cllr Susan Hall	N/A
Edward Harvist Charity (until May 2014)	1	Howard Bluston	N/A
Greater London Enterprise Ltd	1	Cllr Keith Ferry	N/A
Greater London Provincial Council	1 (+ 2 deputies)	Cllr Thaya Idaikkadar	1. 2.
Harrow Environmental Forum <i>(previously Harrow Agenda 21 Environmental Forum)</i>	4 (+ 2 reserves)	1. Cllr Phillip O'Dell 2. Cllr Asad Omar 3. Vacancy 4. Cllr Ramji Chauhan	1. Cllr Sue Anderson 2. Cllr Stephen Wright

Name of body	No. reps.	Appointee (for 2013/14)	Deputies where applicable (for 2013/14)
Harrow Association of Disabled People	2	1. Cllr Zarina Khalid 2. Cllr Susan Hall	
Harrow Citizens' Advice Bureau	2	1. Cllr Victoria Silver 2. Cllr Anthony Seymour	N/A
Harrow College Further Education Corporation Board (until May 2014)	1 (+1 officer appointed)	1. Cllr Sachin Shah	N/A
Harrow Equalities Centre	2 from different groups	1. Cllr Krishna James 2. Cllr Susan Hall	N/A
Harrow Hate Crime Forum	3 (+ 3 reserves)	1. Cllr Nana Asante 2. Cllr Kairul Kareema Marikar 3. Cllr Kam Chana	1. Vacancy 2. Vacancy 3. Cllr Susan Hall
Harrow Heritage Trust Executive Committee	4	1. Cllr Navin Shah 2. Cllr Keith Ferry 3. Cllr Janet Mote 4. Cllr Simon Williams	N/A
Harrow in Europe Committee	5	1. Cllr Nana Asante 2. Cllr Bill Phillips 3. Vacancy 4. Cllr Jean Lammiman 5. Cllr Manji Kara	N/A
Harrow Nature Conservation Forum	1	Cllr Sue Anderson	N/A

Name of body	No. reps.	Appointee (for 2013/14)	Deputies where applicable (for 2013/14)
Harrow on the Hill Forum	6 (3 ward members 2 group members)	Ward: 1. Cllr Ann Gate 2. Cllr David Gawn 3. Cllr Simon Williams Group: 1. Cllr Ben Wealthy 2. Cllr Barry Macleod-Cullinane	N/A
Harrow Town Centre Forum	3	1. Cllr Bill Phillips 2. Cllr Sue Anderson 3. Cllr Simon Williams	N/A
Harrow Weald Common Board of Conservators (until May 2014)	5 (3 Ward Members + 2 (1 from each Group))	1. Cllr Ramji Chauhan 2. Cllr Stephen Greek 3. Cllr Tony Ferrari 4. Cllr Phillip O'Dell 5. Cllr Joyce Nickolay	N/A
Harrow Young Musicians Managing Body	2	1. Cllr Keith Ferry 2. Cllr Jean Lammiman	N/A
Homes Limited	2 (Ward Cllrs)	1. Cllr Bob Currie 2. Cllr Graham Henson	N/A
*HOPE (Harrow) Harrow Family Learning Network John Pardoe Charity	1 (+ 1 Deputy) 4	Cllr Janet Mote 1. Cllr Mano Dharmarajah 2. Cllr Mrs Camilla Bath 3. Cllr Christine Bednell 4. Cllr Jean Lammiman	1. Vacancy N/A
LBH Bus & Highways Liaison Meeting	3 (from different groups)	1. Cllr Mrinal Choudhury 2. Cllr Jerry Miles 3. Vacancy	N/A

Name of body	No. reps.	Appointee (for 2013/14)	Deputies where applicable (for 2013/14)
LBH Rail Liaison Meeting	3 (from different groups)	1. Cllr Mrinal Choudhury 2. Cllr Jerry Miles 3. Vacancy	N/A
League of Friends of Northwick Park Hospital	1 (+ 1 deputy)	Cllr Krishna James	Mary John
Lee Valley Regional Park Authority	1	Cllr Paul Osborn	
Local Government Association - General Assembly Meetings	4 (+ 4 deputies)	1. Cllr Thaya Idaikkadar 2. Cllr Margaret Davine 3. Cllr Barry Macleod-Cullinane 4. Cllr Susan Hall	1. Vacancy 2. Vacancy 3. Cllr Paul Osborn 4. Cllr Stephen Greek
Local Government Association - Urban Commission	1 (+1 officer appointed)	1. Cllr Keith Ferry 2. Officer appointee	N/A
Local Government Information Unit	1	1. Cllr Graham Henson	N/A
London Councils' Children and Young People Lead Member	1	Cllr Zarina Khalid	
London Councils' Crime & Public Protection Lead Member	1	Cllr Asad Omar	
London Councils' Culture, Tourism and 2012 Lead Member	1	Cllr Nizam Ismail	
London Councils' Economic Development Lead Member	1	Cllr William Stoodley	
London Councils' Grants Committee (Associated Joint Committee)	1 (+ up to 4 deputies)	Cllr Nizam Ismail	1. Vacancy 2. Vacancy 3. Vacancy 4. Vacancy

Name of body	No. reps.	Appointee (for 2013/14)	Deputies where applicable (for 2013/14)
London Councils' Greater London Employment Forum	1 (+ 1 deputy)	Cllr Thaya Idaikkadar	Vacancy
London Councils' Health and Adult Services Lead Member	1	Cllr Krishna James	
London Councils' Housing Lead Member	1	Cllr Nizam Ismail	
London Councils' Leaders' Committee (s101 Joint Committee)	1 (+ 2 deputies)	1. Cllr Thaya Idaikkadar	1. Cllr Asad Omar 2. Vacancy
London Councils' Planning Lead Member	1	Cllr William Stoodley	
London Councils' Transport & Environment Committee (Associated Joint Committee)	1 (+ up to 4 deputies)	1. Cllr Asad Omar	1. Vacancy 2. Vacancy 3. Vacancy 4. Vacancy
London Home & Water Safety Council (Port of London Authority)	1 (+1 officer appointed)	1. Cllr William Stoodley 2. Officer appointee	
London Road Safety Council	2 (+1 officer appointed)	1. Cllr Phillip O'Dell 2. Cllr Manji Kara 3. Officer appointee	N/A
London Youth Games	2 (+2 deputies)	1. Cllr David Perry 2. Cllr Chris Mote	1. Vacancy 2. Cllr Yogesh Teli

Name of body	No. reps.	Appointee (for 2012/13)	Deputies where applicable (for 2012/13)
Mayor of Harrow's Charity Fund Trustees	3 (+ 4 Burgesses)	1. Cllr Nana Asante 2. Cllr Asad Omar 3. Cllr Christine Bednell Burgesses: 1. Mrs G Branch 2. Mr O Cock 3. Mrs B Cripps 4. Mrs R Feakins	N/A
Middlesex Guildhall Collection and Trust Fund	3 (+1 officer appointed)	1. Cllr Mrs Camilla Bath 2. Cllr Navin Shah 3. Cllr Mrs Rekha Shah 4. Officer appointee	N/A
Relate London North West	3	1. Cllr Margaret Davine 2. Cllr Ben Wealthy 3. Cllr Mrs Lurine Champagne OBE	N/A
Reserve Forces and Cadets Association for Greater London	1	Cllr Kairul Kareema Marikar	
Sir John Wolstenholme Charity	2	1. Cllr Mrs Camilla Bath 2. Cllr Christine Bednell	N/A
St Dominic's College (until October 2014)	1	Vacancy	N/A
Stanmore College (until May 2014)	1	Cllr Margaret Davine	N/A
Staying Put Scheme Advisory Committee	1	Cllr Margaret Davine	N/A
Victoria Hall, Harrow (until May 2014)	1	Cllr Ben Wealthy	N/A

Name of body	No. reps.	Appointee (for 2013/14)	Deputies where applicable (for 2013/14)
West House and Heath Robinson Museum Trust	1	Cllr Keith Ferry	N/A
West London Alliance	1 (Leader only)	Cllr Thaya Idaikkadar	N/A
West London Waste Authority	1	Cllr Phillip O'Dell	N/A

HEALTH AND WELLBEING BOARD – Terms of Reference**1. Accountability**

The Health and Wellbeing Board ('the Board') is set up in accordance with S102 of the Local Government Act 1972 and S194 of Health and Social Care Act 2012.

Members of the Board are required to abide by the Council's Code of Conduct.

2. Purpose of the Board

2.1. The primary functions of the Board are as follows:

- 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 appropriate.
- the Board will cover 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.

3. Key Responsibilities

3.1. The key responsibilities of the Health and Wellbeing Board shall be to:

- 3.1.1. agree health and wellbeing priorities for Harrow;
- 3.1.2. develop the joint strategic needs assessment;
- 3.1.3. develop a joint health and wellbeing strategy;
- 3.1.4. promote joint commissioning;
- 3.1.5. ensure that Harrow Council and the CCG commissioning plans have had sufficient regard to the Joint Health and Wellbeing Strategy;
- 3.1.6. have a role in agreeing the commissioning arrangements for local Healthwatch;
- 3.1.7. consider how to best use the totality of resources available for health and wellbeing;

- 3.1.8. oversee the quality of commissioned health services;
- 3.1.9. provide a forum for public accountability of NHS, public health, social care and other health and wellbeing services;
- 3.1.10. monitor the outcomes of the public health framework, social care framework and NHS framework introduced from April 2013);
- 3.1.11. authorise Harrow's Clinical Commissioning Group annual assessment;
- 3.1.12. produce a Pharmaceutical Needs Assessment and revise every three years (First PNA to be produced by 1st April 2015);
- 3.1.13. consider and make recommendations for response to NHS Consultations on proposed substantial developments /variations in health services that would affect the people of Harrow;
- 3.1.14. consider and make recommendations for response to consultations from local health Trusts, Department of Health, Care Quality Commission, and any organisation which provides health services outside the local authority's area to inhabitants within it; undertake additional responsibilities as delegated by the local authority or the Clinical Commissioning Group 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 voting membership will be:
 - Members of the Council nominated by the Leader of the Council (4)
 - Chair of the Harrow Clinical Commissioning Group (vice chair)
 - GP representative of the Harrow Clinical Commissioning Group
 - A further representative of the Harrow Clinical Commissioning Group
 - Chair of Healthwatch
- 4.2. The following Advisors will be non-voting members:
 - Director of Public Health
 - Chief Officer, Voluntary and Community Sector
 - Senior Officer of Harrow Police
 - Accountable Officer – CCG
 - Chief Operating Officer – CCG

- Corporate Director Community, Health and Wellbeing
 - Corporate Director Children's Services
 - Director Adult Social Services
- 4.3. The voluntary and community sector representative shall be nominated by the Voluntary Community Sector Forum on an annual basis.
- 4.4. Members are appointed annually. Members of the Board shall each name a reserve in the event that they are unable to attend a meeting.
- 4.5. The chair of the Clinical Commissioning Group will serve as the vice chair of the Health and Wellbeing Board.

4.6. Participation of the NHS Commissioning Board

- 4.7.1 The National Health Service Commissioning Board 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
- 4.7.2 The Health and Wellbeing Board can request the participation of the NHS Commissioning Board representative when the Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of the National Health Service Commissioning Board in relation to Harrow

4.7. Sub Groups

- 4.7.3 The Board will review each year which sub groups are to be established based on the Board's priority areas,
- 4.7.4 The Sub Groups will ensure that the views of patients and service users are included.
- 4.7.5 Sub groups will be informal officer level groups.
- 4.7.6 Sub groups should provide a copy of their previous minutes or a list of issues for discussion at alternate Health and Wellbeing Board meetings to be considered by members.

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 1973 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.

4.2 Motions referred to the Board or its sub-committees.

4.2.1 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. Chairing Board Meetings

The Chair will be nominated by the Leader of the Council and appointed by Harrow Council and is currently the Portfolio Holder for Adult Social Care, Health and Wellbeing.

5.1 Vice Chair of the Board

The Vice-Chair will be appointed by the Clinical Commissioning 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 Meetings of the Board shall take place at the Harrow Civic Centre. 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 he/she believes it to be appropriate for the conduct of the business of the Board.

8. Cancellation of Meetings

8.1 The Chief Executive 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 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;

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 Clinical Commissioning Group 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 he/she does 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 3.00 pm and close at 5.00 pm unless it resolves to extend the meeting beyond that time.

12.2 Determining Business Upon Closure

12.3.1 At the time of closure the Chair will advise the Board that:

12.3.1.1 any speech commenced and then in progress shall be concluded;

12.3.1.2 the Chair will put any motion or recommendation then under consideration to the vote without further discussion;

12.3.1.3 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 Clinical Commissioning Group.

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 Clinical Commissioning Group. 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 he/she thinks 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 he/she deems 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 he/she thinks 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. Recording of Meetings

23.1 Other than the Monitoring Officer or his/her nominated representative, no person may record or photograph or broadcast of any part of any meetings of the Board unless the person presiding at the meeting, in consultation with the other members of the Board who are present and entitled to vote at the meeting, gives express permission.

23.2 This Rule shall not apply to a written record of the discussion or decisions made at any meeting.

24. Ruling of the Chair on Interpretation of these Rules

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

Appendix 3 – Delegations to the Director of Public Health

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.	Ss 249 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.

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

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 scrutiny function's 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, Care Quality Commission and any organisation which provides health services outside the local authority's area to inhabitants within it.

9. 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).

Deleted: <#>To be responsible for the discharge of the functions conferred by Section 21(f) of the Local Government Act 2000 of reviewing and scrutinising, in accordance with regulations under Section 7 of the Health and Social Care Act 2001, matters relating to the planning, provision and operation of health and social care services in Harrow.¶

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CONSTITUTION OF THE COUNCIL OF THE LONDON BOROUGH OF HARROW

The Summary and Explanation of the Constitution is also available as a separate leaflet for members of the public and is available at reception desks in the Civic Centre and at Public Libraries

The Constitution has been prepared by officers in the Legal Services Department.
Regular updates and replacement pages will be issued.
Any comments on how the layout and contents can be improved should be sent to the Chief Executive.

| London Borough of Harrow
Summary and Explanation

May 2013

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Please note:

The Constitution came into effect in May 2002, having been approved by the Council in February 2002.

The Council has made a number of changes to the Constitution since it was first approved. Minor corrections and amendments have also been made under the procedure of revising the Constitution in Article 15.05.

This document is available on the Harrow web-site at www.harrow.gov.uk.

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 sixteen 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.

What's in the Constitution?

Article 1 commits the Council:

***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.***

Article 3 explains the rights of citizens in relation to the Constitution. Article 2 and 4 to 16 describe how the key parts of the Council operate. These are:

- Members and the Council (Article 2).
- The full Council (Article 4).
- The Mayor (Article 5).
- Overview and Scrutiny Committee and Scrutiny sub-committees (Article 6).
- The Executive (Article 7).
- Regulatory and other Committees (Article 8).
- The Standards Committee (Article 9).
- Area Forums or Area Committees (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review, revision and publication of the Constitution (Article 15).
- Interpretation and suspension of the Constitution (Article 16)

How the Council operates

The Council is composed of 63 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. The Council is also responsible for the appointment of chief officers.

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 hold inquiries and public debates, which can lead to reports influencing the Executive.

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

There is also a Planning Committee, a Licensing and General Purposes Committee, [a Health and Wellbeing Board](#), a Governance, Audit and Risk Management Committee and a Standards Committee. More detail about the operation of these Committees can be found in Articles 8 and 9.

The Harrow Partnership Initiative

The Council has adopted a comprehensive approach to consultation by encouraging community participation in decision-making. The Council consults with stakeholders, residents and service users on a range of activities.

The Partnership Initiative enables the involvement of a wide number of stakeholders from across sectors, in the planning of services and policy development, including the shaping of the Community Plan.

A Residents Panel consisting of over 1200 local people represents the Borough’s diverse community. The Panel helps to provide the Council with a clear picture of the effectiveness of local services.

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. These are set out in more detail in Article 3. 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, is available on the Authority's web site at: www.harrow.gov.uk

For further information on the Partnership Initiative, or if you would like to join the Harrow Residents Panel, please contact [Lindsay Coulson on 020 8424 1292](mailto:Lindsay.Coulson@harrow.gov.uk) or e-mail Lindsay.coulson@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.

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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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Article 6

Overview and Scrutiny Committee and Scrutiny sub-committees

Introduction

This Article describes the structure and method of operation of the committees that are to undertake the overview and scrutiny function.

6.01 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000.

The Overview and Scrutiny Committee will establish two Call-in Sub-Committees to consider Executive decisions taken but not implemented (See Rule [46](#) of the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution for information about the process for calling in decisions), together with a Performance & Finance Scrutiny Sub-Committee. The scope of the Committee and each sub-committee is set out in the right hand column of the table below.

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The guiding principle for the work of the Overview and Scrutiny Committee and Scrutiny Sub-Committees is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions. This is best achieved by an inclusive process covering Members, partners, service users and employees.

Committee	Scope
Overview and Scrutiny	To oversee a more targeted and proportionate work programme that can help secure service improvement through in depth investigation of poor performance and the development of an effective strategy/policy framework for the council and partners.

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Sub-Committee	Scope
Call-In	To exercise the call-in powers and to refer any decision to Council that does not accord with the policy framework or budget.
Call-In (Education)	To exercise the call-in powers in relation to education matters and to refer any decision to Council that does not accord with the policy framework or budget.
Performance and Finance	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 states priorities.

6.02 General Role

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

- (i) 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;
- (ii) 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;
- (iii) 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;
- (iv) 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;
- (v) consideration of the Forward Plan and scrutiny prior to key decisions being made, as appropriate;

- (vi) 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;
- (vii) 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.

6.03 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 Sub Committee within their terms of reference.

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(c) Finance

The Overview and Scrutiny Committee will exercise overall responsibility for any unallocated resources made available for scrutiny.

(d) 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.

6.04 Proceedings of the Overview and Scrutiny Committee and Sub-Committees

The Overview and Scrutiny Committee and Sub-Committees will conduct their business in accordance with the Committee Procedure Rules set out in Part 4 of this Constitution.

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Article 8

Regulatory and Other Committees

Introduction

The Council will establish Committees to discharge certain functions which are reserved for the Council and which the Executive may not determine.

8.01 Regulatory and Other Committees

The Council will have the following Committees, Sub-Committees and panels:

- Governance, Audit and Risk Management Committee
- Licensing and General Purposes Committee
 - > Chief Officers' Employment Panel
 - > Early Retirement Sub-Committee
 - > Education Awards Appeals Panel
 - > Licensing Panel
 - > NNDR Discretionary Rate Relief Appeals Panel
 - > Pension Fund Investments Panel
 - > Personnel Appeals Panel
 - > Social Services Appeals Panel
- Health and Well Being Board
- Overview and Scrutiny Committee
 - > Call-In Sub-Committee
 - > Call-in Sub-Committee (Education)
 - > Performance & Finance Sub-Committee
 - > Health and Social Care Scrutiny Sub Committee
- Planning Committee
- Standards Committee
 - > Assessment Sub-Committee
 - > Hearing Review Sub-Committee
 - > Member Development Panel

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These Committees, sub-committees and panels will discharge the functions described in Part 3A of this Constitution.

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8.02 Membership of Committees of the Council

The Council shall determine the size and membership of the Committees, sub-committees and panels listed above and described in Part 3 of the Constitution and shall appoint Members in accordance with the rules on political proportionality contained in the Local Government and Housing Act 1989 where this applies.

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The Council shall appoint voting co-opted members to the Overview and Scrutiny Committee and, where appropriate, to the Call-in sub-committees in the manner required by Regulations.

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The Council may appoint persons other than Councillors to be non-voting co-opted members to Committees.

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Reserve members may be appointed to Committees and Panels by the Council in the manner prescribed by the Procedural Rules in Part 4 of this Constitution.

8.03 Matters reserved for Council

The following matters within the terms of reference of the Licensing and General Purposes Committee must be determined by the full Council but may be the subject of a recommendation by the Committee:

- power to make, amend, revoke or re-enact by-laws;
- power to promote or oppose Parliamentary Bills;
- approval to the Statement of Accounts;
- confirming the appointment of the Head of Paid Service; and
- changing the name of the area, confirming the title of honorary alderman or freedom of the Borough.

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1. Purpose

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- 1.1 The purpose of this document is to set out the Financial Procedure Rules of the Council having due regard to the overall regulatory framework of the Local Authorities, as well as to Harrow's own approach to financial management.
- 1.2 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 Procedure Rules. 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, as amended by the Serious Organised Crime and Police Act 2005 (POCA);
 - f. Accounts and Audit (England) Regulations, 2011 – DCLG;
 - g. Approved Accounting Standards – International Accounting Standards Board
 - h. Code of Practice on Local Authority Accounting – CIPFA;
 - i. Code of Practice on Internal Audit – CIPFA;
 - j. Public Sector Internal Audit Standards – CIPA and IIA;
 - k. Code of Recommended Practice for Local Authorities on Data Transparency – CLG;
 - l. Money Laundering Regulations, 2007;
 - m. Prudential Code for Capital Finance in Local Authorities – CIPFA ;
 - n. Service Reporting Code of Practice – CIPFA;
 - o. Statement on the Role of the Chief Financial Officer – CIPFA;
 - p. Standing Guide to Commissioning Local Authority Work and Services – CJC;
 - q. Statement on the Role of the Finance Director in Local Government – CIPFA (2010);
 - r. Treasury Management in the Public Sector Code of Practice – CIPFA
- 1.3 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

- 2.1 Financial Procedure Rules 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 Procedure Rules 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 standing orders for tenders and contracts, as well as detailed procedure guides. The role of the Chief Finance Officer is defined in detail in the Council's Constitution.

2.2 Compliance with Financial Procedure Rules is mandatory. Breaches of Financial Procedure Rules of a serious nature may result in disciplinary proceedings. 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 Procedure Rules when changes to delegated limits are requested.

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

A3 These are described in Article 4 part 3 A of the Constitution

THE STATUTORY OFFICERS

A4 The role and responsibilities of the Statutory officers are laid out in Article 12 of the constitution.

Directors:

A5 For the purpose of these regulations only, Directors includes the Chief Executive, all Corporate Directors, Directors and Divisional Directors and Heads of Maintained Schools.

A6 Directors are responsible for ensuring that executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the CFO

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:

- ensuring their staff including consultants or temporary staff are aware of the existence and content of the authority's Financial Procedure Rules and other internal regulatory documents and that they comply with them;
- notifying the CFO of any situation that may create a contingent liability, potential claim or an overspend of their budget;
- signing contracts on behalf of the Council within the approved Officers' Scheme of Delegation and Contract Procedure rules;
- Complying with any Council wide spending restriction protocol determined by the CFO;
- ensure that there is an effective management hierarchy and budget management.

A9. A delegation in Financial Procedure Rules 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.

Head of Internal Audit

A10 The Head of Internal Audit is a senior manager who heads the Internal Audit Service. They must be professionally qualified and suitably experienced. They support the delivery of the Council's strategic objectives by providing objective scrutiny and advice and championing best practice on all aspects of governance, risk management and internal control.

Other Accountabilities

Virement

A11 The full council is responsible for agreeing procedures for virement of expenditure between budget headings.

Treatment of year-end balances

A12 The full council is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

Accounting policies

A13 The CFO is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting records and returns

A14 The CFO is responsible for determining the accounting procedures and records for the authority.

The annual statement of accounts

A15 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.

A16 The Audit Committee is responsible for approving the annual statement of accounts within the statutory deadlines.

Budget Holders

A17 Budget holders are responsible for their 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

A18 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 Business Partner or Head of Internal Audit or Risk Management.

A19 All members and staff 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

A20 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 apply to schools in the same way as any other part of the Council.

A21 Financial Regulations issued by the Council applying to maintained schools which differ from those issued to Directors must be agreed with the CFO and the relevant statutory bodies. Where there is a conflict between the Councils approved Financial Procedure Rules and the schools statutory financial framework, such as the Schools Financial Value Standards or the Scheme for Financing Schools, the statutory frameworks shall apply.

B. Financial Management

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:

- the corporate plan;
- the revenue budget and;
- the capital programme.

B3 The full council is responsible for approving the policy framework and budget. The Local Government Act 2000: Guidance to English Local Authorities includes an obligation for the adoption or approval of specified plans and strategies of the local authority. The Regulations also allow local authorities to 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 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:

- Are aware of, and comply with, proper financial management standards, including these Financial Procedure Rules;
- Are properly managed, developed, trained and have adequate support to carry out their financial duties effectively.

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.

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 Budget and MTFS, capital programme, Treasury Management Strategy and Housing Revenue Account are agreed by the Cabinet for consultation with stakeholders according to the statutory timetable. The Council must agree the final budget prior to the 31st March and in accordance with the statutory deadlines.

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 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. He/she is ultimately responsible for ensuring that a lawful budget is approved by Council.

B16 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 officers and members.

B17 The CFO, in consultation with Directors, is responsible for providing timely advice on the available funding options for the budget for at least 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 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.

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:

- policy requirements approved by the Authority as part of the policy framework;
- unavoidable future commitments, including legislative requirements;
- initiatives already underway;
- spending patterns and pressures revealed through the budget monitoring process;
- proposed service developments and plans which reflect public consultation;
- the need to deliver efficiency and/ or productivity savings;
- government grant allocations and other external income;
- revenue implications of the draft three year capital programme;

B22 Directors must ensure that the guidelines and associated instructions are fully cascaded through their service managers so that all budget managers understand and are involved in the budget setting process from 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 four years and should show how capital investment will be prioritised to deliver the authorities objectives and priorities. The CFO will seek member approval for the Capital Strategy in line with the Scheme of Delegation.

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 and allocations to reserves and balances.

B28 The Executive must before 31st January each year approve the Council tax base for the following financial year. The CFO will inform precepting and levying bodies of the approved Council tax base.

B29 The CFO will determine the probable Collection Fund surplus or deficit for the year, notify precepting bodies, and report to the Executive before the 15th March.

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 10 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:

- 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;
- 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 the full Council. They will ensure that:

- 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;
- A Corporate Budget Book is issued at the start of each financial year at an appropriate level of detail;

- The revenue budget will be presented and approved at service 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 fixed 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 minimis outlined in Section F, is to be treated as revenue.

B41 The CFO is responsible for:

- producing an annual capital strategy for approval by the Cabinet and Council;
- setting up procedures under which capital expenditure proposals are evaluated and appraised to ensure that value for money is being achieved;
- ensuring that a Medium-Term Capital Programme is prepared annually which is derived from the Capital Strategy, the Asset Management Plan, and the evaluation process;
- that the capital programme is consistent with corporate, service and asset management objectives and priorities;
- that there is a robust process for scrutinizing the capital schemes to be added to the capital programme;
- that the programme is fully funded and is affordable and sustainable in accordance with the Prudential Code;
- setting up procedures for corporate monitoring of all sources of capital funding;
- That the tax implications of significant capital schemes are considered, including the impact on the VAT partial exemption calculation;
- That the revenue implication of capital schemes are 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 can be subject to meeting further criteria relating to the objectives, cost or funding confirmed through the governance process. Directors must ensure that all necessary levels of approval in accordance with the associated financial procedure note have been obtained for projects to proceed.

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 Procurement Contract Procedure Rules before expenditure is incurred.

Budget Amendment

B45 Approved revenue budgets, subject to legislative limitations, may be amended during a financial year in the following circumstances:

- a) virements in accordance with the Scheme of Virement;
- b) underspendings approved for carry forward from previous years in accordance with approval guidelines;
- c) supplementary requests from General Fund reserves or the Council Contingency Funds with the approval of the Cabinet Member for Finance or full Cabinet;
- d) grants, in accordance with the scheme of virement.

B46 Where the responsibility for a service is transferred from one department to another, the Director of Finance will transfer the appropriate resources in consultation with the relevant chief officer(s) and report to the Executive at the earliest opportunity.

B47. The CFO will provide a schedule of revenue grants as part of the overall budget proposals to the Council. Capital grants are shown in relation to the capital programme. All grants including new grants received in year will be reported to the Cabinet via the quarterly financial monitoring.

Scheme of Virement

B48 A virement is a planned movement of resources between approved budgets that leaves the overall Authority 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 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.

B49 The exceptions to the above framework that are not allowed are:

- (a) 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;
- (b) virement between capital and revenue;

- (c) 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;
- (d) Budget variances that apply to the current year only. These should generally be reported as a Variance in the monthly forecast;
- (e) Between salaries and non salaries budget heads unless supported by a properly approved amendment to the establishment.

B50 All requests for virement must be made in the format and at a time prescribed by the CFO. All virements require the approval of the CFO. The CFO who will keep a record of all virements and provide a summary report on the approved virements at least quarterly to the Corporate Management Team and the Executive.

B51 For the purposes of the financial limits outlined in Section F virements between the budget heads within the same financial year must be aggregated.

Budget Monitoring and Control

B52 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

B53 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.

B54 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 holder is required to manage expenditure within their budget allocation, subject to the rules of virement.

B55 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

B56 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 holders, Directors and members. The process will include reporting the financial position relative to the revenue budget and capital programme to the Corporate Strategy Board (CSB) and the Cabinet on a regular basis.

B57 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.

B58 Directors 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.

B59 Directors are responsible for ensuring that they manage expenditure within the total net budget for their services. Over spends and under spends relative to the approved budget should be formally reported as soon as they are known and closely monitored. At the same time corrective action to be taken by managers should be identified. Budget monitoring should reflect the level of risk associated with particular budgets.

B60 Directors and Budget Holders 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

B61 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 as set out in the financial procedures. The size and substance of a capital scheme will determine the degree to which the Council's mandatory project management approach will be applied.

B62 Changes to the approved programme must be reported to the Cabinet for approval in accordance with the scheme of delegation.

B63 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."

Carried Forward Balances

B64 A year end balance is the amount by which actual income and expenditure varies from the final budget, normally identified down to budget holder level. In general unspent balances will not be carried forward, except with the permission of the CFO. Unspent balances will only be considered for carry forward where:

- the Council's revenue/capital budget is not overspent in total;
- reserves and balances are at an appropriate level; or
- all other commitments will have to be accommodated within the new year budget.

Statement of Accounts

Accounting Policies

B65 The CFO is responsible for the preparation of the authority's Statement of Accounts for each financial year ending 31 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)*,

B66 key controls for accounting policies are:

- (a) systems of internal control to ensure that financial transactions are lawful;
- (b) suitable accounting policies are selected and applied consistently;
- (c) proper accounting records are maintained, and
- (d) financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

Responsibilities of the CFO

B67 To ensure detailed guidance is issued to Directors each year to ensure that the relevant information is collected and that the statutory deadline is achieved.

B68 To draw up a comprehensive timetable for final accounts preparation in accordance with statutory timetables, in consultation with the Head of Paid Service and the external auditor;

- To select suitable accounting policies in order to comply with professional guidance and to ensure that they are applied consistently;
- make judgements and estimates that provide a true and fair view of the authorities financial position and are both reasonable and prudent;
- comply with the relevant Code of Practise on Local Authority Accounting;
- 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;
- publish the approved and audited accounts of the Authority each year, in accordance with the statutory timetable;

B69 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.

B70 The Governance, Audit and Risk Management Committee has specific responsibility for approving the statutory annual statement of accounts.

B71 The CFO is responsible for implementing appropriate accounting policies which comply with statutory requirements and codes of practice, ensuring that they are applied consistently and are set out in the statement of accounts.

Accounting Records and Returns

B72 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).

B73 Accounting records 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:

- mortgages, bonds, stocks and other holdings, insurance, contracts, pension information and transfer values should be held indefinitely;
- PFI contracts should be retained for the period of the contract plus 12 years;
- other contract documents including the final account where the contract is under seal should be retained for 12 years.

Finance Comments on Reports

B74 The CFO is responsible for monitoring the quality of the financial implications information included in 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.

B73 Directors are responsible for ensuring:

- Suitable options appraisal are carried out in relation to all significant policy issues;
- 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;
- 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;
- the financial implications in reports are reflected in current budgetary provisions and in the agreed Budget and MTFS.

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 an Investment or Treasury Strategy is prepared, formally agreed in line with the constitution and published annually before 31 March. The strategy will comply with statutory regulation, including that issued under section 15(1)(a) of the *Local Government Act 2003* (CLG Investments Guidance) and the CIPFA Treasury Management Guide. In particular:

- a) the investment priorities should be security and liquidity. Yield should be considered but only within the properly established security and liquidity levels;
- b) the Investment strategy should go to the full Council at the start of each year and reviewed mid-year, or more often should market conditions require it;
- d) it should comment on the use of credit ratings and of any additional sources of information on credit risk;
- e) It should comment on the use of treasury management advisers;
- f) It should contain the training programme for officers and members;
- f) Strategies should comment on the investment of money borrowed in advance of spending need;
- g) It will include a policy in regard to Minimum Revenue Provision.

Pensions Governance

C3 The CFO will publish annually a Pensions Report by the statutory deadline that sets out the Council's approach to meeting its pensions obligations and for the efficient administration of the scheme.

C4 The CFO must ensure that a Pension Funding Strategy is published whenever there is a significant or material change.

Asset Management Plan

C5 The Corporate Director of Environment and Enterprise is responsible for corporate asset management. They should maintain adequate asset management plans (AMPs) for Schools, Housing and Corporate assets. 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.

C6 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.

C7 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.

C8 Budget holders 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 their Chief Officer.

Projects and Programmes

C9 The Director for Customer Service and Business Transformation Programme (BTP) is responsible for issuing guidance on the preparation of business cases and programme management.

C10 Directors are responsible for ensuring that programmes are conducted using the Council's mandatory project and programme management approach. The degree to which the approach will be applied will be determined according to the limits defined in the procedure guidance notes.

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.

Leasing arrangements

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 shall 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 The Budget Holders must take appropriate advice from Finance and Legal before entering into a lease agreement.

Contingent Asset and Liabilities

C16 The CFO must maintain a register of contingent assets and contingent liabilities and review these at least annually.

C17 Directors must inform the CFO of any potential contingent assets and contingent liabilities

Maintenance of Provisions and Reserves

C18 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.

C19 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.

C20 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.

C21 The CFO must make an annual statement on the adequacy of general reserves and provisions.

C22 All contributions to, and appropriations from, General Fund reserves must be approved by the Cabinet member for Finance, subject to any limitations set by the Council in the approved budget framework.

C23 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:

- the reason for the reserve;
- how and when it can be used;
- the responsibilities for their management and reporting in the **Medium Term Financial Strategy** and annual budgets;
- the timescale for review, at least annually, to ensure adequacy;

C24 Directors must inform the CFO of any future liabilities that have been incurred and may need to be accounted for.

Reporting Key Decisions

C25 The definition and rules concerning Key Decisions are to be found in Article 13 of the Constitution.

Equalities Impact Assessments

C26 The Head of Paid service is responsible for ensuring there are adequate processes in place to ensure that equalities issues have been properly considered when decision are made, in accordance with statutory guidance.

C27 Directors and Members must ensure that equalities issues are adequately addressed when implementing new policies, procedures or services.

Risk Management

C28 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 well being.

C29 The Accounts and Audit Regulations 2011¹ specifically require that the “relevant body shall be responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions and which includes arrangements for the management of risk.”

Business Continuity and Disaster Recovery

C30 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.

C31 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.

Risk Strategy

C32 The Head of Paid Service in conjunction with the Monitoring Officer is responsible for the 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.

C33 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.

Insurance

C34 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.

C35 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.

C36 Directors should

¹ <http://www.legislation.gov.uk/ukxi/2003/533/contents/made>

- 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;
- Inform the CFO of all new risks, properties or vehicles that may require insurance, and of any alterations or disposals affecting existing insurances;
- ensure that claims against insurance policies are made promptly and comply with the timescales for investigating claims and the insurer's conditions;
- 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;
- ensure that appropriate business continuity plans are developed, implemented and tested on a regular basis;
- produce and maintain an up to date comprehensive risk register, taking corrective action at the earliest possible opportunity to either transfer, treat, tolerate or terminate the identified risk;
- 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;
- 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
- consult the CFO and seek legal advice on the terms of any indemnity that the authority is requested to give.

Internal Controls

C37 Internal control 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.

C38 Internal controls should be reviewed on a regular basis. 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.

C39 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*.

C40 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 Procedure Rules exist.

C41 The CFO in conjunction with the Monitoring Officer 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.

C42 The Accounts and Audit (England) Regulations 2011 require the publication of an Annual Governance Statement. The statement includes a description and evaluation of

the internal control environment, the review process, and identifies any gaps. 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 the issues identified and a report on progress on the issues identified in previous years. The Governance, Audit and Risk Management 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.

C43 The governance statement should be approved at a meeting of the authority or delegated committee and signed by the Head of Paid Service and a leading member.

C44 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, for each Directorate 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

C45 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 the Accounts and Audit Regulations 2011 (as amended) in that a 'relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control'. The arrangements must follow statutory guidance and professional standards. The key features of internal audit are:

- independence of service operations in its planning and operation;
- sufficient organisational status to facilitate effective discussion and negotiation of the results of its work;
- utilisation of risk based methodologies in planning and delivering its work and does not have undue limitations placed on its scope;
- direct access to senior managers, elected members and the external auditor as appropriate; and
- Internal auditors comply with guidance issued by professional bodies.

C46 Internal audit is an independent and objective appraisal function established by an authority to add value and improve the 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.

C47 The CFO must develop and maintain an effective Audit Committee.

C48 The CFO must support the authority's internal audit arrangements and ensure that the authority's Audit Committee receives the necessary advice and information, so that both functions can operate effectively.

C49 The CFO ensures the provision of an effective, properly resourced, internal audit service, for the internal audit of the control environment and systems of internal control as required by professional standards.

C50 The Head of Internal Audit:

- is responsible for reviewing financial and management systems and controls throughout the Council in accordance with professional standards prescribed by the CIPFA Code of Audit Practice and the Auditing Practices Board and its operating procedures as set out in its Internal Audit Manual;
- has a duty to act if fraud or corrupt practices are suspected or detected;
- must report to the Audit Committee on any relevant matter relating to the Council's financial controls;
- must set out an Annual Audit programme in advance;
- will keep a register of Audit recommendations and monitor their implementation.

C51 Internal auditors have the authority to:

- access authority premises at reasonable times;
- access all assets, records, documents, correspondence and control systems;
- receive any information and explanation considered necessary concerning any matter under consideration;
- require any employee of the authority to account for cash, stores or any other authority asset under his or her control;
- access records belonging to third parties, such as contractors, when required (third party contracts should specify access rights); and
- directly access the senior managers and elected members where appropriate.

C52 The CFO provides professional advice on the strategic and annual audit plans prepared by the Head of Internal Audit, which take account of the characteristics and relative risks of the activities involved. The Head of Internal Audit must consult the CFO and the Head of Paid Service on the Internal Audit Plan and the Internal Audit Reports.

C53 Directors are required to notify the Head of Internal Audit of new areas of risk which may need to be subject to audit review and ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets and provided with information and explanations that the auditors consider necessary for the purposes of their work.

C54 Directors 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.

C55 Directors must provide internal audit with access to their premises, records and systems and staff in a timely manner.

External Audit

C56 The basic duties of the external auditor are defined in the Audit Commission Act 1999, the Local Government Act 1999 and the Code of Audit Practice. These require the auditor to review and report upon:

- the Council's Accounts;
- whether the Council has made proper arrangements for securing financial resilience and
- whether the Council has proper arrangements for securing economy, efficiency and effectiveness.

C57 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.

C58 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.

C59 Directors 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 external auditor, and report on progress.

Preventing Fraud, Bribery and Corruption

C60 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 outside or inside the organisation and are aware of the mechanisms available for the confidential reporting and investigation of any reported instances.

C61 The key controls regarding the prevention of financial irregularities are that:

- 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;
- The Public Interest Disclosure Act 1998 (PIDA) protects workers who 'blow the whistle' about malpractice or wrongdoing within an organisation. The Head of Paid Service will maintain and make available a whistle-blowing policy and procedures that enables officers, the general public and contractors to make allegations of fraud, misuse and corruption in confidence, and without recrimination, to an independent contact. All such allegations are diligently and robustly investigated;

- The CFO will ensure that the authority has an effective anti-fraud and corruption policy consistent with legislation including the Bribery Act 2010, the Public Interest Disclosure Act 1998 and the Freedom of Information Act;
- The CFO will ensure internal control systems exist which minimise the risk of fraud and corruption occurring;
- The CFO is responsible for developing and maintaining an anti-fraud, bribery and corruption policy and ensuring that effective internal controls are in place to minimise the risk of fraud, corruption and financial irregularities;
- The CFO is responsible for the corporate 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.

C62 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 Procedure Rules.

C63 Directors are required to ensure that their policies comply with Council's Contract Procedure Rules and Financial Procedure Rules and that staff are trained where appropriate and adopt suitable compliance and disciplinary measures.

C64 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. 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.

C65 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

C66 Money laundering involves the 'cleaning' of illegal proceeds through legitimate transactions, usually cash, in order to disguise their criminal origin.

C67 Local Authorities must be mindful of the Money Laundering Regulations, 2007 Regulations. There is substantial reputational risk for an authority who do 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.

C68 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.

C69 The CFO will:

- 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 POCA and the TA to detect and report suspicious activity.
- Establish procedures to preclude the acceptance of cash sum or series of sums (in coin, notes or travellers cheques) in respect of goods that total more than in excess of the maximum allowed for any single customer account per annum in Section F
- Maintain a written Anti- Money Laundering Policy

C70 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.

C71 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

C72 The relevant Corporate Director in consultation with the Monitoring Officer and the CFO is authorised to institute investigations under the Proceeds of Crime Act 2002 as amended (POCA) on behalf of the Council.

C73 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.

C74 Prosecutions under POCA must be jointly authorised by the CFO and the Monitoring Officer.

C75 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

C76 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.

C77 The CFO will ensure an up-to-date Asset Register is maintained to enable sound fixed asset accounting and asset management.

C78 The monitoring officer will ensure a corporate property database is maintained containing the details of all council properties to support land and property management.

C79 The monitoring officer 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.

Inventories

C80 Inventories must be maintained by Directors for portable, high value items above the De-Minimis 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.

C81 Budget Holders are required to check the existence of a random sample of inventory items on an annual basis.

Stocks and Stores

C82 Directors are responsible for:

- 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;
- ensuring that adequate arrangements are in place for their care and custody; and
- writing off the value of obsolete stock in their Departments in accordance with the procedures.

Intellectual Property

C83 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

C84 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.

C85 To comply with the copyright, designs and patent legislation and, in particular, to ensure that:

- (a) only licensed software is installed by the authority is used on its computers,
- (b) staff are aware of legislative provisions, and
- (c) in developing systems, due regard is given to the issue of intellectual property rights.

Asset Disposal

C86 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 Union's Waste Electrical and Electronic Equipment directive

Land and Buildings

C87 The Corporate Director of Environment and Enterprise (General Fund) and the Corporate Director of Community, Health and Well Being (Housing Revenue Account) are responsible for all disposals of land and property for the General Fund and the HRA respectively, in conjunction with the portfolio holder for Property and Major Contracts and for identifying any revenue implications arising from the sale of assets.

C88 These Corporate Directors in conjunction with the portfolio holder has delegated authority for General Fund disposals as outlined in Section F. Anything above this limit must be reported to the Cabinet for approval.

C89 The Corporate Directors must before any disposal is agreed or negotiations begin:

- 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;
- Obtain an independent valuation, within 3 months of the sale;
- 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;
- Seek financial advice to ensure the proper accounting of capital receipts, cost of sale and tax.

Other Assets

C90 Budget holders 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 holders 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 his/her nominated representative before they can be disposed of.

C91 Budget Holders must ensure that legal and environmental issues are addressed when disposing of any assets. Budget holders should notify facilities management of any disposals, who will determine if the assets are surplus to requirements.

C92 The CFO will:

- issue guidelines representing best practice for the disposal of assets and consistent with statutory powers and best practice including:
 - Issuing of a receipt;
 - Accounting and banking of the income;
 - Segregation of duties between those who authorise of the sale and the receipt of the payment;
 - Adjustment to Inventory records;
- 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.
- Maintain a schedule of disposals above the de minimis recorded in Section F with both estimated and actual values and disposal dates.

C93 Directors will notify the CFO of any disposals of assets above the de minimis in Section F.

Treasury Management

C94 The Council has adopted CIPFA's Code of Practice for Treasury Management in Public Services.

C95 The CFO is responsible for reporting to 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:

- a proposed treasury management strategy for the coming financial year before the start of each financial year;
- an annual report on the treasury management activity for presentation by 30th September of the succeeding financial year; and
- a mid year report to Cabinet.

C96 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 Investments Manager, who will act in accordance with the Council's Treasury Policy Statement and CIPFA's 'Standard of Professional Practice on Treasury Management'.

C97 The CFO will ensure that all:

- Investments of money are made in the name of the authority or in the name of nominees approved by the full Council;

- 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 Head of Legal Services;
- Borrowings are the name of the authority.

C98 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.

Pension Fund Investment

C99 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.

C100 The CFO is responsible for pension fund investment and makes recommendations to the Pension Fund Investment Panel about the appointment of the actuary, investment adviser, and external fund managers. The CFO provides regular reports to the Pension Fund Investment Panel on the performance of the fund and any regulatory matters.

C101 The CFO is responsible for ensuring the Council's contributions are consistent with its Pension Fund strategy and actuarial review.

Trust Funds, Funds Held For Third Parties and Other Voluntary Funds

C102 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.

C103 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 Procedure Rules.

Banking and Imprest Accounts

C104 The CFO is responsible for opening all bank accounts and agreeing the associated mandates.

C105 The CFO is responsible for managing the banking contract and the day to day administration and reconciliation of accounts.

C106 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.

C107 An imprest or petty cash account must only be used in accordance with guidance issued by the CFO. It is the responsibility of Directors to ensure that systems are in place to monitor and control this.

C108 Imprest and petty cash accounts can facilitate very minor items of expenditure where it would not be cost effective to use a purchasing card or purchase order. Imprest and petty cash accounts must not be used to reimburse employee expenses which will be made through Payroll where it is not possible to use a purchase order or purchasing card.

C109 The Council has a single petty cash account operated by Cashiers. There are a number of imprest holders across the Council, where the total held should not exceed the limits specified in Section F, except where agreed and authorised by the CFO. The establishment of and procedures for the operation of imprest accounts is approved by the CFO.

C110 Officers must complete an official petty cash voucher to draw cash or a cheque from petty cash or an imprest account. Supporting documentation must be attached including VAT receipts and the voucher should be authorised to confirm that the expenditure is reasonable and there is sufficient budget provision to cover the expenditure.

C111 Where the sum required exceeds the limits specified in Section F the voucher is countersigned by a Divisional Director. The maximum sum withdrawn at any one time must not exceed £500.

C112 Imprest holders must reconcile their accounts on a monthly basis or prior to seeking reimbursement. Imprest holders should seek reimbursement from the main petty cash account through Cashiers using the standard documentation and attaching supporting information. A certificate of value must be completed once a year and the cash/receipts must be produced on demand.

C113 Imprest accounts must never be used to cash personal cheques or to make personal loans and the only payments into the account should be the reimbursement of the float and change relating to purchases where an advance may have been made on an exceptional basis.

Staffing Establishment

C114 The Head of Paid Service will ensure there is in place accurate and effective systems to monitor the establishment and that the following procedures and regulations must be followed:

- appointments are made in accordance with HR and payroll regulations;
- appointments are in accordance with the approved establishment and grade for the post;
- the organisational structure on SAP must be kept up to date;
- 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;
- payments are only made where there is a valid entitlement;

- conditions and contracts of employment are correctly applied; and
- Employee's names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
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C115 Regulation 4 of the Accounts and Audit (Amendment No.2) (England) Regulations 2009 [SI 2009 No. 3322) introduced a legal requirement for reporting remuneration of senior employees. 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.

C116 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.

C117 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

C118 Agency staff are temporary workers who must be obtained and paid for, through an approved agency via appropriately procured corporate contracts. Generally, agency should only be employed either to:

1. Cover budgeted seasonal or unusual demand periods (e.g. salting roads in winter, cleaning parks in summer);
2. 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;
3. Bring in Special Skills for a one of project or event, or time limited role, where appropriately skilled staff are not available internally or it is not cost effective to permanently fill.

C119 Where a vacancy is created by staff leaving following a normal notice period it is expected that the corporate recruitment process will be followed. Generally except in exceptional circumstances, agency staff should only be considered where the recruitment process has been completed and no appointment made.

C120 The CFO is responsible for ensuring that processes are in place to prevent unbudgeted agency staff being employed and monitoring agency staff costs.

C121 The Divisional Director HRD & Shared Services is responsible for ensuring that:

- The staffing establishment on SAP is up to date and accurate;
- Relevant employment law is complied with, including the Agency Workers Regulations, 2010;.

- Equal Pay regulations and case law are complied with.

C122 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.

Use of Consultants

C123 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.

C124 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.

C125 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.

C126 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, and in cases of doubt, advice should be sought from the Payroll Manager and/or Legal.

D. Financial Administration

D1 Systems

The CFO has statutory duties for the proper administration of the authority's financial affairs. The CFO responsibilities are to:

- (a) Issue advice, guidance and procedures for officers and others acting on the Authority's behalf;
- (b) Determine the accounting systems, the form of accounts and supporting Financial records;
- (c) Establish arrangements for audit of the Authority's financial affairs;
- (d) Approve any new financial systems and interfaces to be introduced;
- (e) Approve any changes to be made to existing financial systems, including interfaces to the General ledger, Accounts Receivable and Accounts Payable;
- (f) Establish arrangements for access control and general security of the Authority's corporate financial systems.

D2 Directors' Responsibilities include:

- a. to ensure that local accounting prime records are maintained properly and held securely and only destroyed with the approval of the CFO;
- b. to incorporate appropriate controls to ensure that, where relevant:
 - (i) All input is genuine, complete, accurate, timely and not previously processed;
 - (ii) All processing is carried out in a complete, accurate and timely manner, and
 - (iii) Output from the system is complete, accurate and timely and in the format specified by the CFO.
- c. 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;
- d. To ensure, jointly with the Head of Paid Service, that there is a documented and tested Disaster Recovery Plan to allow information system processing to resume quickly in the event of an interruption;
- e. To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems;
- f. To ensure that systems are documented and staff trained in the operation of them;
- g. To seek the approval of the CFO before changing any existing financial system or introducing new financial systems;
- h. To ensure that authorisation limits for staff are consistent with the authority's corporate financial systems;
- i. 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;
- j. To supply lists of authorised officers, with specimen signatures and delegated limits, to the CFO, together with any subsequent variations;
- k. 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;

- I. 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:

- a. Hierarchy;
- b. Profit centre;
- c. Cost centre assignation;
- d. Cost element assignation;
- e. Sub cost centre hierarchy changes;
- f. 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, and that proposals for the level of fees and charges are in accordance with guidance published by the CFO. These should be approved by the relevant Portfolio Holder and presented to the Cabinet as part of the Budget and MTFs proposals. It is required that an in depth review of each service area's fees and charges are conducted on a rolling three-year basis.

Income Collection

D5 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.

D6 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.

D7 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.

D8 The CFO must satisfy themselves with the adequacy of the arrangements for the control and safe storage of records, including electronic storage media.

D9 The CFO will ensure that Service Directorates bear the cost of their uncollected debts through an appropriate bad debt provision, based on a realistic annual assessment of the chances of recovery of all debts outstanding.

D11 Chief Officer are responsible for the recording and monitoring ongoing income levels each month and reporting any significant variations, as defined by the CFO.

Setting the Charge

D12 Directors are responsible for ensuring that appropriate fees and charges are considered for all activities, in accordance with the Council's strategies.

D13 Directors will review all their charges annually within the strategic, financial, economic and service context after appropriate consultation, in accordance with procedures laid down by the CFO. Charges can be changed at any point in the financial year with Portfolio Holder agreement and the CFO. Significant changes, as specified, should be presented to Cabinet for agreement.

D14 Unless required to in law or by Council policy, Directors will not set a charge that recovers less than it costs to collect. Where subsidies are applied Directors will ensure that the total cost of the subsidy is understood and linked to the Council's Corporate Priorities.

Billing

D15 Directors must ensure that the customer is provided with a clear and accurate bill for chargeable services within 5 working days of the service being provided, unless previously agreed with the CFO.

D16 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

D17 Directors will ensure that wherever possible and appropriate, that 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.

D18 Directors will pursue all commercial debts until it is un-economic to continue to do so using agreed written procedures.

D19 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.

D20 Directors will ensure that:

- income collection staff are appropriately trained;
- any cash or cheques received by their staff are stored securely whilst in their possession and passed as soon as possible to the CFO, or as he or she directs, to the authority's bank or National Giro account, and properly recorded;
- there is segregation of duties between those who authorise the sale and those who receipt of the payment;

- 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 accruals will be set up for the estimated debtor in accordance with guidance issued by the CFO.

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D21 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.

D22 Directors are responsible for submitting quarterly debt write-off reports where debts are considered un-collectable, to the CFO in the format specified.

D23 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:

- a. A schedule of all debts to be written off, recovery action that has been undertaken and the reasons for the write-off request;
- b. The total debt outstanding, the current bad debt provision, the amount of provision required and the remaining balance.

Grants and External Funding

D24 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.

D25 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.

D26 The Directors should consult the CFO on proposals to bid for external funding to support expenditure that has not already been included in the approved revenue budget or capital programme.

D27 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.

D28 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.

D29 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.

D30 Directors shall:

- 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,

- ensure that all applications for funding are consistent with the Council's priorities and approve them in principle before detailed work commences;
- ensure that the Council's project management framework is applied and that a project initiation document (start form) is completed where appropriate;
- 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;
- notify the CFO of all applications prior to submission;
- ensure that the application is signed off by the CFO or an appropriate officer in the Directorate;
- ensure that the rules and regulations for the particular funding stream are complied with at application stage and throughout the life of the project;
- ensure that all requirements relating to the delivery of outputs and spend are met in line with the approved bid or project plan;
- ensure that all funding notified by external bodies is claimed and received;
- Check the audit requirements and notify Corporate Finance of any claims that must be audited by the Council's external auditor.

D31 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 Procedure Rules and Contract Standing Orders.

D32 Proper records of expenditure must be kept to allow verification of amounts claimed by the grant giving body and the external auditor.

D33 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)

D34 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.

D35 The CFO will set out proper procedures for agreeing, collecting, recording, accounting and disbursing s106 and CIL monies, in accordance with legislation.

D36 The CFO will record, monitor and report on all s106 or CIL receipts and payments.

D37 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.

D38 The Monitoring Officer will ensure that Obligations are registered as Local Land Charges.

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Ordering and Paying for Work, Goods and Services

D37 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.

D38 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.

D39 Sound systems and procedures are essential to an effective framework of accountability and control. The CFO is responsible for ensuring there are effective financial systems and controls, although the operations may be carried out in another directorate than Corporate Finance.

D40 The CFO is responsible for:

- 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;
- 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
- Ensuring there is adequate separation of duties in evidence in the accounting procedures.

D41 Directors must

- 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;
- 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;
- 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;
- 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;
- ensure that their staff receive relevant financial training;
- ensure that use of computer and other information systems are registered in accordance with data protection legislation and government connects where relevant; and

- ensure that staff are aware of and comply with freedom of information legislation.

Purchase Orders

D42 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.

D43 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 or rates and petty cash purchases or unless specifically agreed with the CFO.

D44 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.

D45 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

D46 Budget Managers are responsible for ensuring that:

- all works, goods or services received are “goods receipted” onto the Corporate Financial System;
- any mismatches between the order and the goods receipt are resolved in a timely fashion in accordance with the procedures;
- 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
- Any blocked invoices notified are dealt with in a timely manner.

Purchasing Cards

D47 Purchasing 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 the discharge of their duties.

D48 Purchasing cards are available for use by authorised council staff for emergency purchases (petty cash) value items and for travel and subsistence expenses.

D49 Each Directorate has a number of card holders and authorisers. Key controls are built into the system through card limits, merchant categories, defined suppliers, and other measures.

D50 The CFO is responsible for issuing guidance on the use of purchasing cards and authorising card holders.

D51 Directors must report any misuse of purchasing cards to the CFO. Misuse of a purchasing card would normally constitute gross misconduct and could result in dismissal.

D52 Directors are responsible for ensuring the cards are operated in a responsible manner, in accordance with corporate guidelines and that they are only used where there is sufficient budget available to cover the cost of the transaction.

D53 Purchase Card holders must use the card in accordance with corporate policies and are responsible for the security of their card. They must report all lost or stolen cards to the Service Manager Corporate Accounts payable and receivable in Shared Services immediately.

D54 The purchasing card accounts are settled through the bank on a weekly basis. Detailed statements are provided to enable cardholders to check transactions and coding.

Payments to Suppliers

D55 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.

D56 Notwithstanding the need to ensure VFM in all internal & external arrangements, Divisional Directors, Heads of Service and Service 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 & Commercial Procurement Business Partners.

D57 Where a purchase order has been raised, the supplier will normally send an invoice to the Corporate Accounts Payable Department. Any invoices received elsewhere in error should be forwarded to the Corporate Accounts Payable Department. For large corporate contracts, the supplier may send a spreadsheet listing all transactions in place of individual invoices. The spreadsheet is forwarded to the Payments team and uploaded into the creditors system.

D58 Payment of all invoices and corporate contracts is made by the Corporate Accounts Payable Team or the SAP support team. The preferred method of payment for invoices is BACS and all suppliers/contractors are asked to complete a BACS form.

D59 The Direct Debit payment method is not allowed under normal circumstances. Exceptional circumstances must be authorised by CFO.

D60 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 will be responsible for entering all invoices into the Corporate Finance System and matching against purchase orders raised and the Goods Received. Any blocked invoices will be automatically notified to the requisitioner, responsible for the purchase order.

D61 Directors are responsible for ensuring that any blocked invoices notified to managers are dealt with in a timely manner.

D62 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.

D63 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.

D64 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.

D65 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.

Single Payments or One-Time Vendors

D66 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 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 One-Time vendor process can be used. Examples of allowable payments are refunds, insurance claims and legal payments.

D67 The CFO is responsible for the provision of appropriate guidelines and systems controls to prevent the use of single payments to avoid the purchase to pay controls. These will ensure that there is appropriate segregation of duty between raising and authorising the payment.

D68 Directors must ensure that the One-Time vendor process is used appropriately, that guidance issued by the CFO is followed, and that all expenditure is appropriately authorised and falls within the definition of a One-Time Vendor. This will include ensuring that there is not an appropriate approved supplier that could be used on the system, no previous payments have been made and no future payments are likely.

Urgent or Emergency Payments

D69 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

D70 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.

D71 The CFO 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 CFO 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

D72 Local Authorities are exempt from corporation tax, income tax and capital gains tax.

D73 Under section 33 of the Value Added Tax Act, 1994 Local Authorities are able to fully recover VAT. 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.

D74 The CFO is responsible for

- a. providing information to HMRC as required including Pay as You Earn (PAYE), and the Construction Industry Tax Deduction Scheme;
- b. advising Directors of their responsibilities under the scheme;
- c. completing an accurate monthly return of VAT (inputs and outputs) to HMRC and ensuring that all payments are made within statutory deadlines;
- d. monitoring the VAT partial exemption calculation in respect of the Authority's de minimis limit of 5% to ensure that it is not exceeded. Completing the annual VAT partial exemption calculation in respect of the Authority's de minimis limit of 5%.

D75 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.

D76 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.

Ex Gratia Payments

D77 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.

D78 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.

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Trading Accounts

D79 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.

D80 The CFO is responsible for ensuring that trading accounts are treated properly in the Council's accounts.

D81 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.

D82 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.

D83 Directors must provide appropriate information to the CFO to enable a note to be entered into the Statement of Accounts where necessary.

Internal Recharges

D84 The CFO will establish a framework for budgeting and accounting for internal recharges for central support services and other departmental recharges in accordance with proper accounting practices and SeRCOP.

D85 The CFO will arbitrate on disputed recharges where these cannot be satisfactorily resolved between departments within the specified timescale.

D86 The Chief Officer will maintain proper service level agreements for all significant internal services.

D87 The CFO will ensure accurate and timely recharges are made for Central Support Services.

D88 Directors will:

- Notify and agree with client departments in advance of any service provision of all recharges.
- Notify and/or respond to disputed recharges in accordance with the timescales laid down by the CFO.
- Ensure that internal recharges for their services are processed on a monthly basis.
- 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.

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Journals

D89 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:

- (a) Journals can only be generated within agreed levels of delegation and security;
- (b) Only authorised inputters and authorisers can generate journal entries;
- (c) An authorised list of inputters and authorisers is maintained on the corporate finance system to verify compliance;
- (d) There is a separation of duties between inputters and authorisers of journals,
and
- (e) The corporate financial system will only allow 'balanced' journals to be accepted.

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 Standing Orders.

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:

- Is a partnership the best vehicle for achieving the desired outcome?
- What are the objectives of the partnership and are they consistent with the Council's priorities?
- What is the legal status of the partnership and how will it be governed?
- What is the liability of the Council and the other partners?
- Are the roles and responsibilities clear?
- What are the risks and how will they be managed and monitored?
- How will the performance of the partnership be monitored and how will success be measured?
- Who employs and manages the staff?
- How will the partnership be funded and who is responsible for the financial management, accounts and audit arrangements?
- Are there any taxation issues?
- Is there a robust business case?
- How will goods and services required by the partnership be procured?
- 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 Office Responsibilities are to:

- (a) Report all new partnerships proposals as required by the Scheme of Delegation.
- (b) 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 and Cabinet authorisation is required for PFI projects.

E10 Chief Officer 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, which should identify which staff are involved in the processing of applications and grants, and record the date of approval of any grant or other assistance, and by whom, and any other relevant transaction information;
- xii) 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:

- To advise on effective controls;
- To advise on any funding implications of grants or assistance;
- To ensure the accounting arrangements are satisfactory;.

E14 The responsibilities of Directors are:

- To ensure that the key controls set out above are implemented in respect of all grants made and assistance provided;
- To undertake any research, e.g. by making enquiries of the Charity Commissioners, into the financial standing of proposed grant receiving bodies;
- 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 may 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 from 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

E16 The CFO must approve all Accountable Body arrangements before they are entered into on behalf of the authority

E19 In doing so the CFO will confirm:

- There is a suitable formal agreement in place covering duties and responsibilities or all the parties for financial matters (See Partnership Section)
- the resources are available to undertake the Accountable Body role;

- There are adequate arrangements are 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;
- Appropriate checks and safeguards are in place to prevent financial loss to the Council arising from its duties as Accountable Body, the arrangements, such as grant claw back, overspends, loss of assets or fraud;
- The Council retains the power to retain funding where there is a breach of governance arrangements.

Directors Responsibilities

E20 To refer all Accountable Body agreements to the CFO for approval before they are entered into.

E21 To provide the CFO with all information and documentary evidence requested in order for the CFO to undertake the Accountable Body role.

Emergency Planning

E22 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.

E23 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.

E24 The CFO must ensure systems are in place keep proper records are of all such emergency expenditure to allow for the submission of a formal claim under the Bellwin or other relevant scheme.

F25 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.

F Scheme of Delegation for Financial Transactions

F1 Where there is an adequate budget provision, the officers shown below may authorise financial transactions up to the limits indicated in relation to the approved policies and activities of the Council. Where the decision to spend is a key decision then, it will go to the Cabinet for approval.

Scheme of Delegation for Financial Transactions

F3 The officers shown below may authorise 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.

F4 Financial delegations in relation to Maintained Schools are maintained locally by the appropriate Governing Body.

Delegation	Approval of Orders	Approval of unsupported invoice	Contracts Value	Petty Cash Payment	Virements	*Counter signed
System Role	EBP Approver	Completed Off line	Completed Off line	Completed Off line	Completed Off line	
CFO	unlimited	unlimited	£100,000	Above £500	£500,000	
CE	unlimited	unlimited	£500,000	Above £500	*£100,000	CFO
Corporate Directors; Head of Paid Service; Monitoring Officer	unlimited	unlimited	£100,000	Above £500	*£100,000	CFO
Director	£500,000	£100,000	£100,000	£500	*£50,000	Corporate Director & CFO
Divisional Director (SPM1)	£300,000	£50,000	£100,000	£500	*£50,000	Corporate Director & CFO
SPM 2/3 Head of Service	£100,000	£20,000	£50,000	£100 cash £250 cheque	*£25,000	Divisional Director & CFO
SPM 4/5 Service Manager/ Team	£50,000	£10,000	£25,000	£50 cash £100 cheque	*£10,000	Divisional Director & CFO

Leader						
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Approval Required for schemes in the approved capital programme	Amount £
CFO	< £500,000
CFO, Leader and Portfolio Holder for Finance	>=£500,000 < £1,000,000
CSB and Cabinet	>= £1,000,000
Capital De Minimis - Assets or a group of like assets will be treated as revenue below this level	£2,000
Ex Gratia Payments – CFO & Monitoring Officer	£1,000 <£100,000
Ex Gratia Payments – CFO, Monitoring Officer & Cabinet	>=£100,000

Debt Write off

F5 Write-offs are subject to approval as follows:

Category	Limit (£)
CFO	0 - 10,000
Portfolio Holder with responsibility for Strategy, Partnership and Finance	10,001 – 25,000
Cabinet	>25,000

F6 The limits apply to individual debts or category of debts. A quarterly report will be submitted to Cabinet summarising write offs below £25,000.

Assets

F7 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

F8 Corporate Directors in conjunction with the portfolio holder has 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

F9 All property, plant or equipment assets disposed of over the value of £10,000 must be cleared with the CFO

Money Laundering

F10 The maximum amount receivable from a single customer in coin, notes, or travellers cheques in respect of goods or services.

£5,000

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Associated Procedure Notes

Financial Procedure Rules section		Procedure Notes	Lead Officer	Reference
Corporate Strategies and Plans				
No.	Financial Procedure Rules section	Procedure Notes	Lead Officer	Reference
S1	Risk Management and Internal Control	Risk Management Strategy	Head of Internal Audit	Uk corporate governance Code, 2010, Neale Burns http://harrowhub/info/200193/risk_management/313/risk_management/2
	Risk Management and Internal Control	Statement of Risk Appetite	Risk Manager	Uk corporate governance Code, 2010, Neale Burns http://harrowhub/info/200193/risk_management/313/risk_management/2
S2	Financial Planning and Management	Medium Term Financial Strategy	Director	
S3	Financial Planning and Management	Capital Strategy	Deputy 151 Officer	
S4	Financial Planning and Management	Treasury Strategy	George Bruce, Treasury and Pension Fund Manager	
S5	Financial Planning and Management	Pensions Funding Strategy	George Bruce, Treasury and Pension Fund Manager	
S6	Financial Planning and Management	Asset Management Plan	CFO/Head of Property	

Policy and Procedures				
No.	Financial Procedure Rules section	Procedure Notes	Lead Officer	Reference
P1	Roles & Responsibilities	Scheme of Delegation	Monitoring Officer, Corporate Directors, Directors and Divisional Directors	
P2	Other Financial Accountabilities	Closure of Accounts and Accounting Policy	Deputy 151 Officer	
P4	Risk Management	Anti-Fraud and	Head of Internal Audit	

	and Internal Control	Corruption Policy		
P5	Risk Management and Internal Control	Whistleblowing Policy and Procedure	Head of Internal Audit	
P6	Risk Management and Internal Control	Fraud Investigation guidelines	Head of Internal Audit	
P7	Risk Management and Internal Control	Proceeds of Crime Act and Anti Money – Laundering Policy	Head of Internal Audit	
P8	Financial Planning and Management	Financial Planning	Deputy 151 Officer	
P9	Financial Planning and Management	Capital Programme	Deputy 151 Officer	
P10	Financial Planning and Management	Fees and Charges Policy	Deputy 151 Officer	
P11	Financial Planning and Management	Budget Monitoring	Deputy 151 Officer	
P12	Financial Systems and Business processes	Debt Management overall Policy Sundry Credit Policy	Deputy 151 Officer	
P13	Financial Systems and Business processes	Goods Receipt and Invoice Receipt	Head of Technical Finance and Accountancy	
P14	Financial Systems and Business processes	Payment of Invoices	Accounts Payable/Accounts Receivable Manager	
P15	Financial Systems and Business processes	Purchase Cards	CFO	
P16	Financial Systems and Business processes	Expenses, travel and subsistence allowances	Divisional Director (Human Resources and Development)	
P17	Financial Systems and Business processes	Management of the Banking Contract and Operation of Bank Accounts	Treasury and Pension Fund Manager (Services)	
P18	Financial Systems and Business processes	Cash Book	Divisional Director (Shared Services)	
P19	Financial Systems and Business processes	Bank Reconciliation	Head of Technical Finance and Accountancy	
P20	Financial Systems and Business processes	Retention of Documents	Head of Internal Audit	

P21	Property Resources and	Asset Management, including Disposal	Head of Property and Infrastructure	
P22	Property Resources and	Stocks and Stores and Inventories	Head of Internal Audit	
P23	Property Resources and	Treasury Management policy and practices	George Bruce, Treasury and Pension Fund Manager	
P24	Property Resources and	Use of Consultants	Divisional Director (Human Resources and Development)	
P25	Chart of Accounts/SAP Hierarchy Control		Head of Technical Finance and Accountancy	
P26		Establishment Control	Divisional Director (Human Resources and Development)/CFO	

Registers and Lists

Registers and Lists				
No.	Financial Procedure Rules section	Register Name	Lead Officer	Reference
R1		Grants Register	Head of Technical Finance and Accountancy	
R2		Asset registers	Directors	
R3		Register of contingent assets and contingent liabilities	CFO	
R4		Register of Audit recommendations	CFO	
R5		Register of interests	Monitoring Officer	
R6		Risk Register	Head of Internal Audit	
R7		Local Land Charges Register	Monitoring Officer	
R8		Lists of authorised officers, with specimen signatures and delegated limits	Monitoring Officer	
R9		Schedule of disposals	Corporate Director of Environment and Enterprise	

R10		Petty Cash Procedures	Deputy 151	
R11		S106 and CIL	Deputy 151	
R12		Purchasing Cards	CFO?/Procurement	See procurement. CAPCAR
R13		Terrier	Monitoring Officer	

G:\FER & SAP Refresher Training\Financial Procedure Rules\Associated Procedure Notes

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 and Risk Management 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.

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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.

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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 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 Minimis

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 a senior manager who heads the Internal Audit Service. They must be professionally qualified and suitably experienced. They support the delivery of the Council's strategic objectives by providing objective scrutiny and advice and championing best practice on all aspects of governance, risk management and internal control.

Head of Paid Service

The Chief Executive undertakes the statutory role of Head of Paid Service 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 (MTFS)

The MTFS 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.

MTFS

See Medium Term Financial Strategy

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.

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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.

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.

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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:

Underspending

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.

G. Access to Information Procedure Rules

Rule		Page No.
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2.	Additional Rights to Information	4G – 1
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21.	Inspection of Documents and Background Papers	4G – 11
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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 of the Local Government Act 1972, Sections 9G and 9 GA of the Local Government Act 2000, and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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Rules 1 -12 apply to all meetings of:

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The **Governance**, Audit and **Risk Management** Committee
The Council
The **Planning Committee**
The Licensing and General Purposes Committee
The Overview and Scrutiny Committee
The Standards Committee

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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 Panels¹
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.

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2. Additional Rights to Information

These Rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

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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 19.3).

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4. Notice of Meetings

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Civic Centre, Station Road, Harrow. A similar notice will be given of when an individual Member of the Executive is to take a Key Decision. Key Decision can only be taken by the Leader except where the Executive has delegated the decision to an individual Portfolio Holder.

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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.

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At least 28 clear calendar days before a private executive meeting, the Council must make available at the Council's Civic Centre, a notice of its intention to hold the meeting in private and published on the Council's website. This notice will be included in the Key Decision Schedule and will apply to both Key and Non-Key Decisions to be taken.

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At least 5 clear days before a private meeting, the Council must make available at the Council's Civic Centre, a further notice of its intention to hold the meeting in private and publish the notice on the Council's website. This notice must include: a statement of the reasons for the meeting to be held in private; details of any representations received by the Council about why the

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meeting should be open to the public and a statement of its response to any such representations.

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5. Access to Agenda and Reports Before the Meeting

5.1 The Council will make copies of those agenda and reports which are open to the public available for inspection at the Civic Centre, and on the Council's website, at least five clear working days before the meeting.

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5.2 Where the meeting is convened at shorter notice than set out in Rule 4, copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

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5.3 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 must be made available at the meeting.

6. 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.

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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.

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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.

7. Supply of Copies of Agenda and Reports

The Council will supply copies of and make these available on the Council's website:

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- (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 to any person on payment of a charge for postage and any other costs;

- (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 him/her 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.

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8. Access to Minutes and Committee Documents after the Meeting

The Council will make available copies of the following for six years after a meeting:

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- (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.

9. Background Papers

9.1. 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.

9.2. 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.**

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10. 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 **Article 3** of this Constitution.

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11. Exclusion of Access by the Public and Press to Meetings

11.1 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.

11.2 Exempt Information – discretion to exclude the public and press from a meeting

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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.

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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.'

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11.3 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 Court Order.

11.4 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to the relevant condition)

Category	Condition
1. Information relating to any individual	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.
2. Information which is likely to reveal the identity of an individual	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.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	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

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<p>“Financial or business affairs” includes contemplated as well as past or current activities.</p>	<p>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> <p>a. ___the Companies Act 1985</p> <p>b. ___the Friendly Societies Act 1974</p> <p>c. ___the Friendly Societies Act 1992</p> <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</p>	<p>Information falling within paragraph 5 is exempt information if and so</p>

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privilege could be maintained in legal proceedings	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>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>

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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.

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11.5 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 Civic Centre a notice of its intention to hold the meeting in private; and

(b) ___publish that notice on the Council’s website,.

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The notice must include a statement of the reasons for the meeting to be held in private.

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At least five clear days before a private meeting, the Council must—

(a) ___make available at the Civic Centre a further notice of its intention to hold the meeting in private;

(b) ___publish that notice on the Council’s website.

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This further notice must include:

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(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.

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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:

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(a) ___the chairman of the relevant overview and scrutiny committee;

(b) ___or if the chairman of the relevant overview and scrutiny committee is unable to act, the Mayor.

(c) ___where there is no chairman of either the relevant Overview and Scrutiny Committee or the Mayor the Deputy Mayor .may give agreement.

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As soon as reasonably practicable after the Council has obtained agreement to hold a private meeting, it must:

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(a) ___make available at the Civic Centre 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.

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12. 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.

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13. Procedure before taking Key Decisions

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Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

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(a) a document (called here the "Key Decision Schedule") has been published in connection with the matter in question;

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(b) at least 28 clear days have elapsed since the publication at the Civic Centre and the Council's Website of the Key Decision Schedule,

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(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 4 (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 19.1 and notice of the consideration of a Key Decision has been given under Rule 4 (notice of meetings) and in accordance with (b) above.

14. The Key Decision Schedule (KDS)

14.1 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.

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14.2 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. Only 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, his/her 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 may be submitted to the decision maker.;
- (g) The procedure for requesting details of those documents (if any) as they become available.

15. General Exception

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If a matter which is likely to be a Key Decision has not been included in the **Key Decision Schedule**, then subject to Rule 16 (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 Civic **Centre 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).

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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.

16. Special Urgency

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If by virtue of the date by which a decision must be taken Rule 15 (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 his/her 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 11 above.

As soon as reasonably practicable after agreement has been obtained, the decision maker must make available at the Civic Centre a notice setting out the reasons for urgency and publish the notice on the Council's website.

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17. Requirement for a Report to be made to Council

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17.1 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.

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17.2 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.

17.3 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 16 (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.

18. Record of Decisions

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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.

19. Key Decisions taken by Individual Members of the Executive or by Officers

19.1 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.

19.2 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.

19.3 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 4). Members of the public and representatives of the Press may attend the taking of a Key Decision by an individual Member.

20. 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 he or she will instruct the Director of Legal & Governance Services or

the relevant Executive Director or Director to prepare a record of the decision, a statement of the reasons for it, any alternative options considered and rejected (see Rule 18), 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 Head of Paid Service.

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21. Inspection of Documents and Background Papers

The provisions of Rules 8 and 9 (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.

22. Overview and Scrutiny Committee – Access to Documents

22.1 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.

22.2 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.

22.3 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.

22.4 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 a – c) it must provide a written statement of the decision to the Overview and Scrutiny Committee.

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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 53 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](#) School Placement Panel

[1.2.1.3](#) Grants

[1.2.1.4](#) Harrow Business Consultative

[1.2.1.5](#) Local Development Framework

[1.2.1.6](#) Supporting People

[1.2.1.7](#) Traffic & Road Safety

[1.2.1.8](#) Member Development

[1.2.1.9](#) Major Developments

1.2.2 Consultative Forums

1.2.2.1 ~~Employees' Consultative~~

1.2.2.2 Tenants', Leaseholders' and Residents' Consultative

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2. **Executive Decisions**

2.1 Executive functions may be exercised by:

the Executive as a whole;

a Committee or sub-committee of the Executive;

an individual Member of the Executive;

an officer;

an area committee;

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.

2.3 **Definition of Executive Meeting**

An Executive meeting shall include:

2.3.1.1 a meeting open to all Members of the Executive.

2.3.1.2 a committee or sub-committee of the Executive.

2.3.1.3 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 him/her at the Annual Meeting of the Council for inclusion in the Allocation of Responsibilities (set out in Part 3 of this Constitution).

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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:

the name of the Executive Member who will serve as Deputy Leader;

the names and Wards of the Councillors appointed to the Executive;

the nature of the Portfolios to be held by each Executive Member;

the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;

the nature and extent of any deputising arrangements within the Executive;

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;

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;

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.

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5. The Council's Allocation of Responsibilities and Executive Functions

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.

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- 5.1 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.

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- 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 Two members of the authority appointed by the Leader shall be entitled to attend Cabinet as non-executive members; to speak but not vote on items before the Cabinet in private and public meetings, and to have commensurate access to documents as full Cabinet members.

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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.

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7. Business not on the Agenda

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

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

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

The Executive will meet at 7.30 pm on the days set in the Council calendar. The Executive will meet at the Council's Civic Centre, Station Road, Harrow HA1 2XQ, but it may meet elsewhere if appropriate, and provided notification is given on the agenda for the meeting.

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.

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

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;

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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.

If not otherwise already specified by resolution or by the Chairman, the date, time and place of special meetings will be set by the Leader of the Council.

The Monitoring Officer must give 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.

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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.

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Business

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.

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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.

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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).

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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.

Conduct of Executive Meetings

12. Chair of the Executive

- 12.1 At a meeting of the whole Executive the Leader shall preside if he or she is present. In the absence of the Leader, the Deputy Leader shall preside. If neither the Leader or 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.

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13.2 The Chief Executive, Corporate Directors 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 Chief Executive and Corporate Directors.

14. **Principles of Executive Decision Making**

14.1 All decisions of the Executive 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;

a respect for human rights;

a presumption in favour of openness;

clarity of aims and desired outcomes;

explaining the options that were considered and giving the reasons for the recommendation(s).

the Public Sector Equality Duty.

15. **Petitions**

15.1 Presentation of petitions

All petitions received relating to Executive functions shall be dealt with in accordance with the Council's Petition Scheme (at Appendix A to the Council Procedure Rules) and will normally be referred to the Executive or appropriate Portfolio Holder, Advisory Panel or Consultative Forum. If the petitioners request that the petition be presented at a meeting of the Executive this can be done in the following ways:

a representative of the petitioners may attend at the time stated for the start of the Executive meeting, or prior to an individual Executive Member making a decision, and request to read the petition to the meeting;

the petitioners may send the petition to the Monitoring Officer and request for the Leader, Deputy Leader or an Executive Member to read the petition.

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15.2 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.

15.3 **Notice and consideration of petitions**

15.3.1 Save as is mentioned in paragraph 15.1.3 above there is no need for any advance notice to be given of the wish to present a petition to the Executive but if 10 days notice is given to the Monitoring Officer a note of the petition will appear on the agenda for the meeting.

16. **Public Questions**

16.1 **General**

16.1.1 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.

16.2 **Time limit for questions**

16.2.1 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 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.

16.3 **Order and notice of questions**

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

16.3.2 A question may only be asked if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at Democratic Services, Harrow Council, Civic Centre, PO Box 2, Harrow, HA1 2UH or 020 8424 1557 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

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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.

16.3.3 Without prejudicing 16.3.2 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, 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 name of the Member of the Executive to whom it is to be put.

16.3.4 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.

16.3.5 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 e-mail address, postal address or fax number.

16.4 **Number of questions**

16.4.1 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 16.5 below.

16.5 **Scope of questions**

16.5.1 The Monitoring Officer may reject a question if it:

16.5.1.1 is not about a matter for which the Authority has a responsibility or which does not affect the Borough;

16.5.1.2 is defamatory, frivolous or offensive;

16.5.1.3 is substantially the same as a question which has been put at any meeting of the Executive in the last six months; or

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16.5.1.4 requires the disclosure of confidential or exempt information.

16.6 Record of public questions

16.6.1 The Monitoring Officer will send a copy of the question to the Member to whom it is to be put.

16.6.2 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.

16.7 Asking the question at the meeting

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.

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:

16.7.1.1 ask the question on the questioner's behalf; or

16.7.1.2 indicate that a written reply will be given; or

16.7.1.3 decide, in the absence of the questioner, that the question will not be dealt with.

16.8 Written answers

16.8.1 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 include in the minutes.

16.9 Reference of a Question to another Body

16.9.1 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 an Advisory Panel, Consultative Forum, Portfolio Holder, Committee or sub-committee. Such a proposal will be voted on without discussion.

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17. Questions by Members

17.1 Questions with Notice

17.1.1 Subject to Rule 17.2, 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.

17.1.2 A limit of 15 minutes shall be given to the asking and answering of written questions by Councillors under this Rule.

17.2 Notice of Questions

17.2.1 A Councillor may only ask a question under Rule 17.1 if either:

17.2.1.1 they have submitted such question by 3.00pm, two clear working days before the day of the meeting in writing, by fax or e-mail, of the question to the Monitoring Officer; or

17.2.1.2 without prejudicing 17.1.1. 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 3.00pm ONE clear working day before the date of the meeting; or,

17.2.1.3 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.

17.2.1.4 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.

17.2.2 Questions will be asked in the order agreed with the relevant Group Leader by the deadline for submission of such to the Monitoring Officer.

17.3 Response

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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:

- 17.3.1.1 a direct oral answer;
- 17.3.1.2 where the desired information is a publication of the Council or other published work, a reference to that publication; or
- 17.3.1.3 where the reply cannot conveniently be given orally, a written answer supplied later to the questioner.

17.4 **Supplementary Question**

- 17.4.1 A Councillor asking a question under Rule 17.1 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.

17.5 **Limits to the Length of Questions and Responses**

- 17.5.1 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.
- 17.5.2 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.

17.6 **Invalid Questions**

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

- 17.6.1.1 would risk defamation of an individual or is frivolous or offensive;
- or

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- 17.6.1.2 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
- 17.6.1.3 would require the disclosure of confidential or exempt information; or
- 17.6.1.4 is substantially the same as a question which has been put at any meeting of the Executive in the last six months.

18. The Business of Meetings

- 18.1 At each meeting of the Executive, the following business will be conducted where appropriate:

apologies

the signing of the minutes of the last meeting by the Chair;

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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'.

petitions and public questions (if any);

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.

consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;

consideration of proposals for the budget and policy framework, prior to making decisions on them;

consideration of the Key Decision Schedule (KDS);

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.

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[Reports of statutory officers](#)

[Matters referred to the Cabinet under Paragraph 22](#)

19. **Decisions to be taken only on a report**

19.1 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.

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19.2 Reports from officers will follow a standard format including the following statutory requirements:

Observations of the Chief Financial Officer

Observations of the Monitoring Officer

Details of background papers

Reasons for Recommendation

Options Considered and Rejected

List of Background Papers which will be published on the website and made available to the public

20. **Executive Meetings**

20.1 **Who may speak**

20.1.1 A Member of the Council who is not an Executive Member may only speak if invited to do so by the Chair and with the agreement of the Executive.

20.2 **Motions referred to the Executive or Portfolio Holder**

20.2.1 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.

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21. Consultation

- 21.1 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.
- 21.2 Reports on other matters must set out the details and outcome of consultation as appropriate to the matter under consideration.

22. Executive Agenda

- 22.1 The Leader or any Member of the Executive may require the Monitoring Officer to ensure that an item is placed on the agenda of the next available Executive meeting. The Monitoring Officer must comply with such a request.
- 22.2 The Monitoring Officer will ensure that an item is placed 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.
- 22.3 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.
- 22.4 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.

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23. **Voting Procedure**

23.1 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.

23.2 **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.

23.3 **Voting on Appointments**

23.3.1 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.

24. **Guillotine**

24.1 Meetings of the Executive will commence at 7.30pm and close at 10.00pm, except as determined under Rule 24.2 below.

24.2 **Varying the Closure Time**

24.3 24.2.1 A meeting of the Executive shall terminate in the manner set out in Rule 24.3 below unless:

24.3.1.1 the business of the meeting has been completed before 10.00 pm;
or

24.3.1.2 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:

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- (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.

24.2.2 For the avoidance of doubt, a meeting may use the provisions within 24.2.1.2(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.

24.2.3 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.

24.4 **Determining Business Upon Closure**

At the time of closure the Chair will advise the Executive that the procedure to terminate the meeting is to be applied;

Any speech commenced and then in progress shall be concluded;

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.

25. **Key Decisions taken by Portfolio Holders**

25.1 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.

25.2 All Key Decisions to be taken by a Portfolio Holder will follow the Access to Information Procedure Rules in Part 4G of this Constitution.

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25.3 At each meeting, the following business will be conducted:

~~declarations of any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee and declarations of any conflicts of interest;~~

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petitions and public questions, if any;

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;

consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;

consideration of items for decision as set out in the agenda for the meeting.

25.4 **Who may Speak**

25.4.1 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.

26. **Implementation of Executive Decisions**

26.1 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.

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27. **Recording of Meetings**

27.1 Other than the Monitoring Officer or his/her nominated representative, no person may use any mechanical or electronic means of recording or photographing or broadcasting of any part of any meeting of the Executive, or of an Advisory Panel, Consultative Forum, Sub-panel or Sub-forum unless the person presiding at the meeting, in consultation with the other Members of the Executive or Members of the Advisory Panel, Consultative Forum, Sub-panel or Sub-forum present at the meeting, gives express permission.

27.2 This Rule shall not apply to a written record of the discussion or decisions made at any meeting.

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28. Confidential Business

- 28.1 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.](#)

28.2 ~~Minutes of the Executive, Advisory Panels, Consultative Forums, Sub-Panels and Sub-Forums~~

- 28.4.1 Minutes of the Executive, Advisory Panels and Consultative Forums, Sub-Panels and Sub Forums shall be published on the Council's intranet and website.

28.3 Production of Decision Notices and Minutes for Cabinet Meetings

- 28.5.1 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.

- 28.5.2 Minutes of the Advisory Panels, Consultative Forums, Sub-Panels and Sub-Forums will normally be published within five clear working days of the meeting.

29. Record of Attendance

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<#>Signing the Minutes of the Executive, Executive Committees, Advisory Panels, Consultative Forums</#>~~
28.3.1 The Chair will sign the minutes of the proceedings at the next meeting⁵. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that may be discussed is their accuracy.[¶]

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29.1 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.

30. **Exclusion of the Public**

30.1 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 33 (Disturbance by the Public) below.

31. **Members' Conduct**

31.1 **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.

31.2 **Member not to be heard further**

31.2.1 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.

31.3 **Member to leave the meeting**

31.3.1 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.

31.4 **General disturbance**

31.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

32. **Disturbance by Public**

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32.1 **Removal of Member of the Public**

32.1.1 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 31.1 above)

32.2 **Clearance of Part of a Meeting Room**

32.2.1 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.

32.3 **Adjournment**

Following an order by the Chair for one or more members of the public to leave the meeting room, if he/she deems 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 he/she thinks necessary.

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.

33. **Suspension and Amendment of Executive Procedure and Advisory Panel and Consultative Forum Procedure Rules**

33.1 **Suspension**

All of these Executive Rules of Procedure except Rules 28 (Confidential Business), 30 (Record of Attendance), 31 (Exclusion of the Public) 34 (Suspension and Amendment of Executive Procedure Rules) and (38.4 (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.

33.2 **Amendment**

33.2.1 Executive Procedure Rules and Advisory Panel and Consultative Forum Procedure Rules may only be changed by the Council.

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

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

34.2 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.

35. **Additional Rules for the Advisory Panels and Consultative Forums of the Executive**

35.1 Rules 36 to 53 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.

36. **Establishment of Advisory Panels and Consultative Forums**

36.1 The Executive, at its first meeting after Annual Council will:

decide which Advisory Panels ('Panels') and Consultative Forums ('Forums') to establish for the Municipal Year;

decide the size and terms of reference of those Panels and Forums;

decide the allocation of seats (and reserves) to Councillors of each political group in accordance with the rules on political proportionality;

appoint a Chair for each Advisory Panel and Consultative Forum for the Municipal Year.

36.2 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.

36.3 Advisory Panels and Consultative Forums are not Executive meetings as defined in Rule 2.3 above and may not be given delegated powers in relation to any Executive function of the Authority.

36.4 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

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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.

36.5 The allocation of seats between political groups on the Advisory Panels and Consultative Forums shall be determined according to the rules on political proportionality.

36.6 Advisory Panels shall conduct their business in accordance with these Rules unless the Executive approves otherwise.

37. **Appointment of Reserves to Advisory Panels and Consultative Forums**

37.1 **Allocation**

37.1.1 The Executive will allocate Councillors to Panels and Forums and will allocate seats in the same manner for reserve Councillors.

37.1.2 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

37.2 **Number**

37.2.1 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.

37.3 **Powers and Duties**

37.3.1 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.

37.4 **Reserving**

Reserve Members may attend meetings in that capacity only:

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- 37.4.1.1 to take the place of an ordinary Member for whom they are a reserve;
- 37.4.1.2 where the ordinary Member will be absent for the whole of the meeting;
- 37.4.1.3 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
- 37.4.1.4 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.

For the purposes of section 38.4.1.2 only, a meeting adjourned to another day shall be treated as a new meeting.

38. Appointment of Sub-Panels and Forums

- 38.1 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.
- 38.2 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.

38.3

39. Attendance of Members at Advisory Panels and Consultative Forums -

39.1 No right to speak

- 39.1.1 Any Member of the Council may attend meetings of Panels, Forums, Sub-Panels or Sub-Forums. Subject to 40.2 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.

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39.2 **Motions referred to Advisory Panels or Consultative Forums**

39.2.1 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.

40. **Chairing Advisory Panels and Consultative Forums**

40.1 **Election of a Chair**

40.1.1 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 meeting following the first meeting of Executive after Annual Council. The Panel or Forum will appoint a Vice Chair.

40.2 **Election of Chair of Sub-Panels or Forums**

40.2.1 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.

40.2.2 The Panel, Forum, Sub-panel or Sub-forum shall appoint a Vice Chair at its first meeting following the Annual Council.

40.3 **Absence of Chair at Meetings**

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

40.3.2 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.

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40.3.3 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 41.3.2, the first order of business after the notification of Reserve Members shall be to elect a Chair for the meeting.

41. **Business not on the Agenda**

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

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

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.

41.2 **Late Reports**

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.

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

42. **Time and Place of Meetings**

42.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall take place at the Civic Centre at 7.30 pm, or such time as stated 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

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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.

42.2 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.

43. **Cancellation of Meetings**

43.1 The Chief Executive and or 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)

44. **Calling of Special Meetings**

44.1 **Calling Special Meetings**

Those listed below may request the Monitoring Officer to call Panel or Forum (sub-panel/sub-forum) meetings in addition to scheduled meetings:

44.1.1.1 the Panel, Forum, Sub-panel or Sub-forum by resolution;

44.1.1.2 the Chair of the Panel, Forum, Sub-panel or Sub-forum;

44.1.1.3 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 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;

44.2 **Business**

Business at special meetings of Panels, Forums, Sub-Panels and Sub-Forums shall be restricted to:

44.2.1.1 the election of a person to preside if the Chair or Vice Chair is absent;

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44.2.1.2 any item of business specified by the Panel, Forum, Sub-panel or Sub-forum or Chair when calling the meeting;

44.2.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.

45. **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 send an agenda by post to every Member of the Panel Forum, Sub-panel or Sub-forum or leave it at their usual place of residence. 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.

46. **Quorum**

46.1 Subject to 47.2, 47.3, 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.

46.2 The Education Strategy Consultative Forum, Employees' Consultative Forum and Tenants', Leaseholders', and Residents' Consultative Forum all include non-Councillor members. The quorum of these bodies shall be one quarter (or a minimum of 3) of the whole number of Councillors and one quarter (minimum of 3) of the whole number of non-councillor members of the Forum.

46.3 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.

46.4 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 he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Panel, Forum, Sub-panel or Sub-forum.

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47. Duration of Meetings

47.1 Commencement and Closure

Meetings of Panels, Forums, Sub-Panels and Sub-Forums will commence at 7.30 pm, or such other time as stated on the agenda, and close at 10.00 pm, except as determined under Rule 48.2.

47.2 Varying the Closure Time

Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall terminate in the manner set out in Rule 48.3 unless:

47.2.1.1 the business of the meeting has been completed before 10.00 pm; or

47.2.1.2 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.

47.2.2 For the avoidance of doubt, a meeting may use the provisions within 48.2.1.2 (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.

47.2.3 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.

47.3 Determining Business Upon Closure

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.

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Any speech commenced and then in progress shall be concluded.

The Chair will put any motion or recommendation then under consideration to the vote without further discussion.

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.

48. **Petitions**

48.1 **Presentation of Petitions**

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:

- 48.1.1.1 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;
- 48.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;
- 48.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

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.

48.2 **Notice and Consideration of Petitions**

Save as is mentioned in paragraph 49.1.1.3 above 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 but if seven clear working days notice is given to the Monitoring Officer a note of the petition will appear on the agenda for the meeting.

49. **Deputations**

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- 49.1 Any Panel, Forum, Sub-panel or Sub-forum may receive a deputation on any matter appearing on the relevant agenda.
- 49.2 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.
- 49.3 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.
- 49.4 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
- 49.5 The time allowed for questioning of the deputation by Members will be 10 minutes
- 49.6 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.
- 49.7 Subject to 50.8 below, Panels, Forums, Sub-Panels or Sub-Forums shall receive no more than two deputations per meeting.
- 49.8 The Traffic Advisory Panel may hear more than two deputations provided they relate to agenda items on the relevant agenda.
- 49.9 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.
- 49.10 Members of the Council, co-optees and advisers shall not be signatories to, lead or form part of any deputation.
- 49.11 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.

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50. **Public Questions**

50.1 **General**

50.1.1 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.

50.2 **Time Limit for Questions**

50.2.1 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.

50.3 **Order and notice of questions**

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

50.3.2 A question may only be asked if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at Democratic Services, Harrow Council, Civic Centre, PO Box 2, Harrow, HA1 2UH or 020 8424 1557 or publicquestions@harrow.gov.uk no later than 3.00pm 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.

50.3.3 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.

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50.3.4 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address, postal address or fax number.

50.4 **Number of questions**

50.4.1 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 51.5 below.

50.5 **Scope of Questions**

The Monitoring Officer may reject a question if it:

50.5.1.1 would risk defamation of an individual or is defamatory, frivolous or offensive; or

50.5.1.2 does not relate to a matter to which the Council has powers or duties; or

50.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or

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

50.5.1.5 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

50.5.1.6 is within the invalid categories referred to at 51.1 above.

50.6 **Record of Public Questions**

50.6.1 The Monitoring Officer will send a copy of the written question to the Member of the Panel, Forum, Sub-panel or Sub-forum 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.

50.6.2 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.

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50.7 **Asking the Question at the Meeting**

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.

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:

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

50.8 **Written Answers**

50.8.1 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.

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

50.9.1 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.

51. **Voting**

51.1 **Majority**

51.1.1 Subject to Rule 52.2, 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.

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51.2 **Special cases**

51.2.1 The Education Strategy Consultative Forum, the Employees' Consultative Forum and Tenants', Leaseholders' and Residents' Consultative Forum all include non-councillors. Voting on any matter shall be by simple majority of those entitled to vote on the item on these Forums, 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.

51.3 **Chair's Casting Vote**

51.3.1 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.

51.4 **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.

51.5 **Recorded Vote by Roll Call**

51.5.1 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.

51.6 **Voting on Appointments**

51.6.1 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.

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52. **Nominated Members**

52.1 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.

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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.

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- 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)

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:

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- The Leader, (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.
- Before taking the 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 (s)he 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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**3B DELEGATIONS TO THE CHIEF EXECUTIVE
CORPORATE DIRECTORS AND STATUTORY OFFICERS**

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

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

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

Council, Cabinet or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant Corporate Director or the Chief Executive.

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 Chief Executive or relevant Corporate Director.

Principles of Delegation

- 1 Officers may exercise delegated powers provided that the matter:-
 - a) is covered by an approved policy
 - b) there are no unusual features
 - c) there are no political 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, 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 Chief Executive in appropriate cases.
 - 2.6 Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.

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 Chief Executive, 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 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

In relation to 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 Chief Executive, 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 delegated action shall not be exercised. 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

In relation to matters which are the responsibility of a Council Committee, subject to consultation with the Chair of the relevant committee and the nominated members of the political groups or their nominees, the Chief Executive, 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 Chief Executive 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 Portfolio Holder or the Cabinet as appropriate for decision.

General

1. Where appropriate the Chief Executive 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 Chief Executive.

The Chief Executive and Corporate Directors have the following general powers:

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

Delegated Powers	Source of Delegated Powers
<p><u>General</u></p> <p>3.1 Taking and implementing any decision required for operational effectiveness.</p>	Executive and Council
<p>3.2 Responding to consultation documents, which are considered appropriate to be dealt with at officer level. β</p> <p>β. The Leader and Portfolio Holder for Performance, Customer Services and Corporate Services, will deal with all other consultation responses – Section 3A Allocation of Responsibilities</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><u>Financial</u></p> <p>3.5 Authorise expenditure within approved revenue budget estimates.</p>	Council
<p>3.6 Vire resources within the rules set out in Section 3, paragraphs 13-16 of the Financial Regulations.</p>	Executive
<p>3.7 Approve orders.</p>	Executive
<p>3.8 Authorise payment of invoices.</p>	Executive

3.9 Authorise the collection of income.	Executive
3.10 Authorise petty cash and expenses via payroll.	Executive
3.11 Write off debts up to £10,000.	Executive
3.12 To dispose of any minor asset (e.g furniture and equipment) up to £10k in value.	
3.13 To set, vary and recover costs, fees and charges for goods and services funded by the Council.	Executive
<u>Contracts</u>	
3.14 Approve contracts without limit that do not require sealing.	Executive
3.15 Approve variations in contracts.	Executive
3.16 Approve use of consultants.	Executive
<u>Human Resources</u>	
3.17 To appoint, suspend and dismiss staff.	Council and Executive
3.18 To take any action under the Council's employment policies and procedures.	Council and Executive
3.19 To re-organise staff within their directorates subject to: § Consultation with Chief Executive and Head of HR § Where appropriate, consultation with staff and/or their representatives. § No service policy implications. § No expenditure in excess of budget. No growth in net expenditure beyond the current year.	Council and Executive

3.20 To authorise absence leave and payments, including overtime, expenses, loans, and ex gratia payments.	Executive
3.21 To authorise training and development and associated matters.	Executive
INDIVIDUAL DELEGATIONS	Source of Individual Delegated Powers
<p><u>Chief Executive</u></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
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 with the Code of Conduct for Council Employees.	Council
3. To make any decision delegated to another officer.	Executive and Council
4. Approve minor and technical changes to the Council constitution in consultation with the Monitoring Officer.	Council

<p>5. 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</p>	<p>Council</p>
<p>6. 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</p>	<p>Council</p>
<p>7. To take such action in relation to Statutory Chief Officers and Chief Officers as assigned in Rule 7 of Section 4H.</p>	<p>Council</p>
<p>8. To report as appropriate to the Authority in the manner in which the Authority discharges its functions: § the number and grades of staff required to discharge its functions § the organisation of the Authority's staff § the appointment and management of the Authority's staff.</p>	<p>Council and Executive</p>
<p>9. To make payments or provide other benefits in cases of maladministration etc in accordance with s92 of the Local Government Act 2000.</p>	<p>Council</p>
<p>10. To take any action necessary to ensure the effective development and implementation of the Council's key strategies and services.</p>	<p>Executive and Council</p>
<p>11. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.</p>	<p>Executive and Council</p>

β The powers in 5 and 6 above would be used only on production of a report, including financial and legal implications. All decisions taken using the powers in 5 and 6 above must be reported to the next meeting of the relevant committee or Council.

<p>The Corporate Directors for Community, Health & Wellbeing Environment & Enterprise Resources Children & Families</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.</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 he or she considers 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 he or she considers that such action is necessary to protect the Council's interests.</p>	<p>Council</p>
<p>3. To authorise officers to appear in Court on the Council's behalf.</p>	<p>Council</p>
<p>4. To act as the proper officer for the purposes of Births, Deaths and Marriages</p>	<p>Council</p>
<p>5. 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>6. To authorise the affixing of the Council's seal and execution of deeds</p>	<p>Council and Executive</p>

STATUTORY OFFICERS

Head of Paid Service	Statutory Source of Function
1. Duty to prepare a report setting out proposals on the following matters: 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	Sections 4 and Local Government and Housing Act 1989
2. Duty to arrange for a copy of the report to be sent to each member of the authority	Section 4 Local Government and Housing Act 1989
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.	Section 4 Local Government and Housing Act 1989
4. All staff to be appointed on merit	Section 7 Local Government and Housing Act 1989
5. Duty to adopt Standing Orders with respect to staff.	Section 8 Local Government and Housing Act 1899
6. Confidentiality of staff records	Section 11 Local Government and Housing Act 1989
7. Conflicts of interest in staff negotiations	Section 12 Local Government and Housing Act 1989

8. Appointment of Staff	Section 112 Local Government Act 1972
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. Investigate misconduct in compliance with Regulations and directions of Ethical Standards Officers (ESO).	Regulations under Section 66(1) and 66(6) Local Government Act 2000. Direction from ESO in individual cases.
6. Establish and maintain registers of member's interests and gifts and hospitality.	Section 81 Local Government Act 2000 and Members' Code of Conduct.
7. Advice to Members on interpretation of the Code.	Members' Code of Conduct
8. Key role in framework for local determination of complaints. Advice to Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.	Statutory guidance para. 8.20 Regulations under section 66 of the LGA 2000.

9. Liaison with Standards Board for England and Ethical Standards Officers.	Regulations under sections 54(4), 57(3) and 66 of the LGA 2000.
10. Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.
11. Advice on vires issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members.	ODPM guidance.

Chief Finance Officer (Section 151 Officer)	Statutory Source of Function
1. Oversight of proper administration of financial affairs.	Section 151 Local Government Act 1972
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. Establish and maintain information databases in relation to the well-being and safeguarding of children	Section 12 and S18 Children Act 2004

7. Preparation and publication of a Children's and young people's plan.	Sections 17 and 18 Children Act 2004.
8. 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
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
<u>Director of Public Health</u>	<u>Statutory Source of Function.</u>
<u>1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.</u>	<u>Ss 2B and 73A National Health Service Act 2006.</u>
<u>2. Responsibility for the functions under S111 National Health Service Act – dental public health.</u>	<u>Ss 111 and 73A National Health Service Act 2006.</u>
<u>3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.</u>	<u>Ss249 and 73A National Health Service Act 2006.</u>
<u>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</u>	<u>Ss 6C(1) and (3) National Health Service Act 2006</u>

<p><u>5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.</u></p>	<p><u>Ss 7A and 73A National Health Service Act 2006.</u></p>
<p><u>6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.</u></p>	<p><u>Schedule 1 National Health Service Act 2006</u></p>
<p><u>7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.</u></p>	<p><u>S73A National Health Service Act 2006.</u></p>
<p><u>8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.</u></p>	<p><u>S325 Criminal Justice Act 2003</u></p>
<p><u>9. To prepare an annual report on the health of the people in Harrow</u></p>	<p><u>S73B(5) National Health Service Act 2006</u></p>
<p><u>10. To be a member of the Health and Wellbeing Board</u></p>	<p><u>S194(2)(d) National Health Service Act</u></p>
<p><u>11. Responsibility for the exercise of all other Local Authority’s public health functions specified in S73A(1) National Health Service Act 2006.</u></p>	<p><u>S73A National Health Service Act 2006.</u></p>