

REPORT FOR: **CABINET**

Date of Meeting:	19 March 2015
Subject:	Park User Groups – Operational Framework
Key Decision:	Yes
Responsible Officer:	Caroline Bruce, Corporate Director of Environment and Enterprise
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Business , Planning and Regeneration Councillor Varsha Parmar, Portfolio Holder for Environment, Crime and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix 1- Constitution and Terms of Reference for Park User Groups where no material funding is involved Appendix 2 – Constitution and Terms of Reference for Park User Groups where material funding is involved Appendix 3 - Framework for the use of Parks Building Assets

Section 1 – Summary and Recommendations

This report sets out the operational framework which will govern the creation and operation of Park User Groups.

Recommendations:

Cabinet is requested to:

Agree the operational framework and delegate authority to the Corporate Director Environment and Enterprise, following consultation with the Portfolio Holder for Business, Planning and Regeneration and the Portfolio Holder for Environment, Crime and Community Safety to implement and operate this framework.

Reason: (For recommendations)

To fulfil the Council's remit for ensuring the effective management of its assets

Section 2 – Report

1. Introductory paragraph

1.1 The Harrow Open Space Strategy approved by Cabinet in October 2011, includes a key objective to explore opportunities for stakeholders, including users and potential users to become involved in decisions relating to the management and maintenance of open spaces.

1.2 The current target is to create a Park User Group for each park in the Borough. There is also an objective to have greater resident empowerment and involvement in how and what services are delivered in their locality. The achievement of these two interlinked objectives is centred on having a clear and consistent framework within which to operate.

1.3 The operational framework for Park User Groups is designed to set the parameters that will govern both the creation and operation of these groups, including setting the remit for these groups to undertake activities in parks. This framework will also ensure there the allocation of roles and responsibilities between the Council and these groups is clear and unambiguous to all parties from the outset.

2. Options considered

None

3. Current situation

3.1 There are 26 parks, plus 5 significant green belt open spaces. There are 10 User Groups across the Borough. These groups comprise like-minded individuals who carry out a variety of functions in and around the parks. There have been a number of queries to the Council to clarify what functions these individuals can undertake in the parks and also what support the Council would provide. To date these queries have been dealt with on a case by case basis and this has not proved the most efficient mechanism.

3.2 Added to this is the issue that some Park User Group members have expressed an interest in sharing their ideas with other groups to ensure a common and joined-up approach across the Borough. This framework provides the mechanism to ensure the sharing of these ideas and a more joined up approach across the Borough.

4. Why a change is needed

4.1 The recent consultation on the Environment and Enterprise savings showed that almost half of respondents (47%) said they would volunteer to help support their local park. Of these, around 1 in 5 (21%) said they would join a Friends group. With this endorsement, the time is right for the Community Engagement team to now accelerate the process of bringing these individuals together to create user groups where they don't exist.

4.2 Bringing these individuals together will ensure the learning and the modus operandi that applies in existing user groups can be shared and replicated where relevant.

4.3 The Community Engagement team is also actively implementing the ward based aspect of the Community Champions scheme and there are some common features between this and Park User Groups as often the same individuals are involved in both schemes.

4.4 The operational framework is necessary to ensure consistency in the way the Council engages with both the user groups and the ward based Community Champion groups.

5. Implications of the Recommendation

5.1 Each Park User Group will have a Constitution or Terms of Reference that governs its creation and operation. The Constitution and Terms of Reference will outline the parameters for membership to these groups. This is to ensure that there are no barriers to entry and the only criteria required to be a User Group member is residency in the Borough.

5.2 Appendices 1 and 2 set out the details of the Constitution and the Terms of Reference. Appendix 1 outlines the requirements where the group does not have significant funding and requires a simpler governance structure. Appendix 2, on the other hand, covers those groups that may have significant funding (for example S106 funding attached to the site) and so requires

different governance arrangements which would need a Treasurer and the involvement of Council representatives on the Board.

5.3 There are common areas in both Constitutions and Terms of Reference in relation to the functions that the groups can undertake in parks and the role that the Council will fulfil. In general, user groups will be able to undertake a broad spectrum of activities and each group can elect to do as much or as little as they wish. They can select from a menu of options that include, inter alia;

- 5.3.1 Carry out amenity works for the betterment of the Park and for the appreciation of all visitors;
- 5.3.2 Agree the annual work plan for the maintenance of the park so that each year there is clarity of what the Council will do and what the Park User Group will do;
- 5.3.3 Horticultural and Gardening work - any member of the User Group, and in fact any resident can be involved in producing flower displays and assisting with the maintenance of flower beds. Horticultural work can include weeding, planting, watering, general garden maintenance, some construction, renovation and project work;
- 5.3.4 Grounds Maintenance - Physical work such as sweeping paths, clearing litter, painting and projects;
- 5.3.5 Act as Voluntary Park Wardens;
- 5.3.6 Utilise the Park building (as relevant) in accordance with the agreed licence or any Council approved occupancy agreements;
- 5.3.7 Organise community events;
- 5.3.8 Increasing biodiversity in terms of enhancing the capacity of the parks to sustain a variety of species
- 5.3.9 Administration/Marketing - assisting with general duties, designing leaflets, and research and event organisation.

5.4 Under this framework the Council will:

- 5.4.1 Provide a thorough induction on the specific area of work that the group wants to undertake;
- 5.4.2 Discuss annual maintenance regime with the groups
- 5.4.3 Provide basic training which will include emergency procedures, health and safety, use of minor equipment and an overview of the Park;
- 5.4.4 Issue and update a Volunteer Handbook that provides full details of the processes to be employed;
- 5.4.5 provide equipment and training as appropriate to support the functions outlined above;
- 5.4.6 co-ordinate "days of action" in particular parks, providing refreshment etc as required;
- 5.4.7 permit the continuation of amenity works until such time as any resident, user group member or those acting for the user group advises that they will no longer continue the works;
- 5.4.8 carry out its right to ask any resident, user group member or user group management committee to cease its work if there is a breach of the operational framework or where the Council

plans to make changes to the site such that the works are no longer required;

- 5.4.9 To try to resolve fairly any problems, complaints and difficulties that arise.

5.5 The user groups will be expected to follow the Councils procedures and standards, including Health and safety and equal opportunities, in relation to staff, volunteers and park users.

5.6 A key element of the operational framework is the potential use of park buildings by the Park User Groups. To that end, this operational framework includes the Framework for Use of Parks Buildings. This is detailed in Appendix 3. The key aspect to note from this is that formal occupancy will be agreed between Council and the User Group (Trustee or Lead). These arrangements will set the parameter for the use of the building.

5.7 The transfer of responsibilities around site management tends to give rise to requests for financial support in the form of grants. This framework does not propose the inclusion of grants to these groups unless these fit within the Council's grants policy.

5.8 Where it is absolutely necessary to provide limited financial support (for example refreshment on a day of action etc) it is proposed that these are covered from a range of sources including:

- 5.8.1 Community Projects funding- This relates to funding that is offered by Contractors as part of their response to the Social Value criteria in the E&E procurement evaluations . All E&E procurement now includes a standard 10% Social Value aspect of the evaluation criteria. As part of this Contractors can offer apprenticeships, work placement or support for Community Projects. Over the last financial year, the bidding patterns have shown that for short term projects the offer tends to be financial contribution, usually a percentage of the contract value, to support community projects. For longer term service contracts e.g. Trees, Highways consultancy etc the offer has been for apprentices and work placements. The Contractors require feedback reports on how the financial contributions have been used to support community projects and use for Park User Groups and Community Champions projects will fit the criteria.

- 5.8.2 Members can support from NIS which can now be used for revenue related items and these would fit the criteria.

6 Resources, costs

6.1 The costs arising from this report are already covered in the E&E Community Engagement budget.

7 Staffing/workforce

7.1 There are no staffing implications.

8 Performance Issues

8.1 There is a target to create a user group per park. This framework provides the mechanism for achieving this target. The operation of these user groups will be included in the Improvement Board reports, at Portfolio Holder meetings and the E&E Contracts Board.

9 Environmental Implications

9.1 Parks are a positive contributor to the environment and the additional support that will be generated by having the user groups will only increase the environmental benefits.

10 Risk Management Implications

10.1 Risk included on Directorate risk register? Yes
Separate risk register in place? Yes.

11 Legal Implications

It is necessary to comply with Harrow's own Contract Standing Orders and the requirements of Part 5 Chapter 2 Localism Act 2011 (Community Right to Challenge) when considering any prospective transfer of assets or services to a community organisation. This may include the Section 83(2) requirement to carry out a procurement exercise before making the transfer. The appropriate public liability insurance will also need to be in place to protect Harrow Council as well as relevant members of community organisations from any claims arising in respect of the services or assets transferred.

12 Financial Implications

The capital and revenue costs arising from this operational framework will be met from existing budgets within Commissioning Services.

13 Equalities implications / Public Sector Equality Duty

13.1 The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- 13.1.1 eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- 13.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- 13.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

13.3 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

13.4 An Equality Impact Assessment has been carried out for this proposal.

13.5 The user groups are to be formed by like-minded individuals who are members of the local community and who have a passion and interest in their local park. At this stage there are no specific characteristic data for the user groups as these have not been formed and nor is there any specific data about the type of visitors to these parks.

13.6 A review of the protected characteristics indicate that no adverse disproportionate impact is anticipated for any characteristic as a result of this proposal.

14 Council Priorities

14.1 The creation and effective management of Park user Groups will contribute to the Council's priorities as follows:

14.1.1 Making a difference for communities - The framework will provide the avenue for residents with an interest in parks and open spaces to take on an active role in their local parks.

Section 3 - Statutory Officer Clearance

Name: Ann Begley	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 20 February 2015		
Name: Charles Ward	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 23 February 2015		

Ward Councillors notified:	NO, as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	Hanif Islam

Section 4 - Contact Details and Background Papers

Contact: Venetia Reid-Baptiste, Tel 020 8424 1492, Email venetia.reid-baptiste@harrow.gov.uk

Background Papers: None

Call-In Waived by the Chairman of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
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Appendix 1

Constitution and Terms of Reference of Park User Groups where there is no material funding

1 Name

- 1.1 The User Group shall be called (the **User Group or Committee**).
- 1.2 Geographical note – [*describe the location of the geographical link for the group*]

2 Aim

- 2.1 [*Outline the aim of the Park User Group*] *E.g.:* The aim of the [Park User Group] is to develop a site management plan, become involved in the management and development of the [x Park], to ensure that the Park remains a publicly accessible site where the public can enjoy the natural environment.

3 Objectives

- 3.1 The [*Park User Group*] will strive to be representative of all sections of the local community to express views and to participate in achieving its aim.
- 3.2 Specifically the [Park User Group] will:
 - 3.2.1 work with other local associations, voluntary sector, Harrow Council officers and Members,
 - 3.2.2 and representatives of Government organisations for the betterment, management and improvement of the Park;
 - 3.2.3 bring together knowledge, expertise and resources towards collaborative and long-term management of the Park ;
 - 3.2.4 liaise with Harrow Council and other agents on management and maintenance programmes for the park;
 - 3.2.5 ensure that the interests of the local community, residents and users of the Park and its amenities are recognised and are accommodated;
 - 3.2.6 work with Harrow Council and any other relevant bodies about proposals for possible methods of funding and lead in co-ordinating bids for financing;
 - 3.2.7 ensure protection of the amenity, maximise usage and promote the Park as a local resource;

3.2.8 arrange interpretative events to promote public access and awareness; and

3.2.9 Do all such other lawful activities as shall further the said objectives.

4 Membership

- 4.1 Any resident can register for membership of the [Park User Group] by completing the required application form and the sole qualifying criteria for membership shall be residency within the Harrow Borough.
- 4.2 Membership shall not be restricted on the basis of age, disability, ethnicity, gender, national origin, race religion, sexual orientation or political affiliation.
- 4.3 The Management Committee for the [Park User Group] shall be appointed from amongst its registered members and will include
 - A Lead Representative/Chair
 - At least four other members ,one of whom would function as a Voluntary Park Warden and one who would function as Secretary, and one who would function as Treasurer should any funding allocation or fund raising event be included in the objectives.
 - At least two and not more than four named trustees to hold the assets of the Park User Group (other than cash) on trust for the [user group] and to sign contracts and execute other documents on its behalf.
- 4.4 The Management Committee will represent the [Park User Group] in discussions with the Council to agree the User Group's role in terms of maintenance and park development activities.
- 4.5 All registered members of the [Park User Group] will have voting rights. Observers and guests (by a simple majority vote) will be invited to participate in meetings but will not be able to vote.
- 4.6 The Management Committee will where appropriate work with strategic partners to include Harrow Council, the Police, the London Fire Brigade, the National Health Service, the GLA, the Environment Agency and Natural England and may choose to invite additional non-voting advisors to meetings, for example persons nominated by officers of Harrow Council, Natural England, or other interested parties.

5 Nominations and Elections

- 5.1 From the registered membership of the [Park User Group] the Lead Representative / Chair and the other four members of the Management Committee shall be elected at the Annual General Meeting.

5.2 Lead Representative/Chair

- To chair each Committee meeting giving sufficient time for all attending members to voice an opinion on each issue on the agenda and to arrange a vote on any issue where a decision needs to be made.
- To represent the [Park User Group] in discussions with the Council and other agencies and groups
- To be the main link between the [Park User Group] and the Community Champion Scheme operating in the geographical area set out in section 1.2 above.
- To make grant applications as required to Harrow Council or other organisations from which funding may be available.

5.3. Treasurer (applies only where there is grant funding)

- To record all authorised expenditure
- To monitor the performance of Harrow Council in ordering and paying invoices pertaining to the Park.
- To be responsible for confirming satisfactory completion works to the Council
To enable 'goods receipting' via the Council's finance system on completion of works.
- To maintain the accounts of any independent Committee budgets that may be set up in the future, ensuring that interest on reserves are maximised, invoices for the supply of any works, equipment or materials are paid and any expenses due to other members are paid.

5.4 Secretary (where appropriate)

- To minute all meetings of the Committee.
- Prepare agendas in liaison with the Chair.
- Provide copies of agendas and minutes to all Committee members and advisors.
- Accept and prepare any other correspondence and communications as required from outside the Committee.

5.5 Voluntary Wardens

- To monitor wildlife inhabiting and visiting the site.
- To help keep site clear of litter, carry out small scale vegetation management, and generally take care of the site.
- To report incidents and problems to relevant authorities.
- In accordance with the budget available to organise volunteer work days to carry out works to maintain and enhance the Park in accordance with agreed Management Plans.
- To monitor and supervise works undertaken by volunteer groups and paid contractors and confirm satisfactory completion of works.
- To talk to visitors about the site, lead guided walks, and help design leaflets about the area.

- To liaise with community groups and schools to increase public awareness of nature and recruit volunteers to improve the area

5.6 Trustees

To hold the [User Group] non-cash assets on trust for the [User Group] and deal with those assets in accordance with resolutions of the [user group] or its Management Committee. The Management Committee will also delegate to the Trustees the power to sign contracts or execute documents to give effect to its resolutions.

5.7 **Term of Office**

- 5.7.1 The term of office for all elected Management Committee members shall be one year.
- 5.7.2 The election of members shall be made at the Annual General Meeting.
- 5.7.3 Elections shall be made by a show of hands and require a proposer and seconder from the membership
- 5.7.4 If an office should become vacant during the elected period a ballot shall be held at the next meeting to elect a replacement.
- 5.7.5 No single committee member shall combine any of the roles of Chairman, Treasurer or Secretary.

6 Meetings

- 6.1 The Annual General Meeting (AGM) shall be held each year and not more than 15 months after the previous AGM, and shall immediately precede any normal meeting of the committee scheduled for the same day. The principal purpose of the AGM shall be to agree the accounts for the previous year and to elect members for the forthcoming year.
- 6.2 The Management Committee shall meet at least four times in a financial year, on dates to be agreed, and as necessary at other times. Confirmation of the date of meetings shall be provided at least four weeks before the meeting. An agenda for the meeting and minutes of the last meeting shall be provided at least 48 hours before the meeting.
- 6.3 A Special General Meeting of the Committee may be called to discuss matters of pressing concern by no fewer than four members of the Committee.
- 6.4 User Group meetings shall be held on a quarterly basis or at such frequency as determined by the functions of the Group.
- 6.5 The Lead Representative/Chair shall set the agenda for each meeting on the basis that the agenda includes discussions of :
 - Minutes of last meeting

- Matters arising
- Chair's report on discussions that have taken place with the Council, other agencies
- Wardens' reports – To present written report on improvement activities
- User Group Members issues

6.6 Voting and Quorum

- 6.6.1 The Quorum for any general meeting shall be seven voting members of the User Group as long as three members of the Management committee are also in attendance. The Quorum for any Management Committee meeting shall be three.
- 6.6.2 Any decisions requiring a vote shall be made by a show of hands, the majority taking the decision. In event of a tie of votes the Chair will have an additional casting vote.

7 Finance

- 7.1 Harrow Council is responsible for the maintenance and upkeep of [Park]
- 7.2 Where the [Park User Group] has responsibility for certain elements of maintenance the Council has provided [£x] grant and /or equipment to support the functions that the [Park User Group] will be undertaking.
- 7.3 The Management Committee is accountable to the Council for the expending of the Grant and shall supply all receipts and invoices on a monthly basis to the Council's Service Manager for Community Engagement. Who acts as authorised officer for this Terms of reference.
- 7.4 Any funding and income received by the Committee, or any assets held by the Committee, may only be used to further the aims of the Committee and for no other purpose.
- 7.5 Financial records shall be maintained by the Treasurer using simple income and expenditure accounts.
- 7.6 Any bank accounts operated by the Committee shall require two signatures. Four members of the Committee shall be designated signatories of cheques.
- 7.9 The Financial year for the Committee shall be 1st April 1 to 31st March.

8 Roles and Responsibilities

- 8.1 The maintenance and management of the Park and its assets remains the responsibility of the Council.

8.2 This agreement is binding in honour only, is not intended to be a legally binding contract between the Council and the User Group and may be cancelled at any time at the discretion of either party. Neither party intends any employment relationship to be created either now or at any time in the future.

8.3 The User Group and Volunteers play an important part in the running of the Park and can be involved in almost every aspect of the work, depending on their experience and the amount of time that they are able to contribute.

8.4 The Council has agreed that the [Park User Group] can perform the following functions at the Park:

- Carry out amenity works to the betterment of the Park and for the appreciation of all visitors
- Gardening - any member of the User Group and in fact any resident can be involved in producing flower displays and assisting with the maintenance of flower beds. Horticultural work can include weeding, planting, watering, general garden maintenance, some construction, renovation and project work.
- Grounds Maintenance - Physical work such as sweeping paths, clearing litter, painting and projects.
- Utilise the Park building (as relevant) in accordance with the agreed licence or any Council approved occupancy agreements
- Lock and unlock the Park (as agreed with the Council's Environment Services Manager)
- Organise community events
- To meet the time commitments and standards which have been mutually agreed to and to give reasonable notice so other arrangements can be made when this is not possible
- To follow the Council's procedures and standards, including Health and safety and equal opportunities, in relation to staff, volunteers and park users.
- Administration/Marketing - assisting with general duties, designing leaflets, and research and event organisation.

8.5 The Council will :

- Provide a thorough induction on the specific area of work that the group wants to undertake
- Provide basic training which will include emergency procedures, health and safety and an overview of the Park.
- Issue and update a Volunteer Handbook that provides full details of the process
- provide equipment and training as appropriate to support the functions outlined above
- permit the continuation of amenity works until such time as any resident, user group member or those acting for the user group advises that they will no longer continue the works

- carry out its right to ask any resident, user group member or user group management committee to cease its work if there is a breach of this agreement or where the Council plans to make changes to the site such that the works are no longer required
- To try to resolve fairly any problems, complaints and difficulties that may arise

9 Amendments to the Constitution

9.1 Amendments to the Constitution may be made as follows:

- Notice of any proposed amendment must appear as an agenda item for an Annual or Special Meeting to which all registered members have been invited to attend
- No amendment can be made or proposed without prior written notification to and agreement by Harrow Council
- The proposed amendment will previously have been noted and recorded in the minutes and has appeared as a special item at a meeting of the Committee.
- The amendment will be carried if it is supported by a two thirds majority of those registered members who are present and voting.

10 Ratification and Dissolution

10.1 This Constitution shall become effective upon approval by at least 9 voting members of the Group's membership.

10.2 Dissolution of the Committee can be resolved at an Annual or Special General meeting held, where 21 days prior written notice of such a meeting was given to all registered members (and to Harrow Council), by a two thirds majority vote of those present and voting. Any assets held by the group will be transferred to Harrow Council, or returned to any organisation that may have claim to those assets, such as unspent grant aid.

*This Constitution was adopted at a meeting of members on
.....2015*

Signed _____ Chair

NAME.....

Signed _____ Secretary

NAME

Appendix 2

Constitution of the Park User Group where Section 106 Material Funding or site management is involved

1 Name

- 1.1 The committee shall be called [Park Management Committee] (**the Committee**).
- 1.2 Geographical note - *describe the location of the geographical link for the group*

2 Aim

- 2.1 The aim of the Committee is to develop a park management plan, become involved in the management and development of the Park, to ensure that the Park remains a publicly accessible site where the public can enjoy the natural environment

3 Objectives

- 3.1 The Committee will strive to be representative of all sections of the local community to express views and to participate in achieving its aim.
- 3.3 Specifically the Committee will:
 - 3.3.1 work with other local associations, voluntary sector, Harrow Council officers and Members, and representatives of Government organisations for the betterment, management and development of the Park;
 - 3.3.2 bring together knowledge, expertise and resources towards collaborative and long-term management of the Park;
 - 3.3.3 resist any development of property or land adjoining the Park which is likely to be detrimental to the area and its wildlife;
 - 3.3.4 liaise with Harrow Council and other agents on management and maintenance programmes;
 - 3.3.5 ensure that the interests of the local community, residents and users of the Park and its amenities are recognised and are accommodated;
 - 3.3.6 work with Harrow Council and any other relevant bodies about proposals for possible methods of funding and lead in co-ordinating bids for financing;

- 3.3.7 ensure protection of the amenity, maximise usage and promote the Park as a local resource;
- 3.3.8 monitor wildlife visiting and inhabiting the Park;
- 3.3.9 arrange interpretative events to promote public access and awareness; and
- 3.3.10 do all such other lawful activities as shall further the said objectives.

4 Membership

4.1 The membership of the Committee shall comprise:

Organisation	Number of Representatives
Harrow Councillors as determined and appointed by Cabinet	
Voluntary warden	
Representative of Park interest groups (sports club, resident assoc, HNCF)	
Harrow Council officer responsible for Section 106 governance	
Harrow Council officer with landscape & ecological experience	
Harrow Council officer from the Commissioning Services	
Harrow Council officer from Delivery Services	
Lay members co-opted annually by the Committee	
TOTAL	

- 4.2 Committee members detailed above will have voting rights. Observers and guests (by a simple majority vote) will be invited to participate in all meetings and may hold Treasurer and Secretary positions but will not have voting rights.
- 4.3 The Committee will where appropriate work with strategic partners to include Harrow Council, the Police, the London Fire Brigade, the National Health Service, the GLA, the Environment Agency and Natural England and may choose to invite additional non-voting advisors to meetings, for example persons nominated by officers of Harrow Council, Natural England, or other interested parties. Membership shall not be restricted on the basis of age, disability, ethnicity, gender, national origin, race religion, sexual orientation or political affiliation.

5 Nominations and Elections

5.1 From the membership of the Committee a Chair and a Vice Chair shall be elected at the Annual General Meeting. The other elected members of the Committee shall be:

- Treasurer
- Secretary
- Voluntary warden

Observers and guests can hold the position of Treasurer or Secretary. The Committee will also elect not less than two (and not more than four) of its members to sign contracts, execute documents and act as trustees of the Committee's non-cash assets and to deal with those assets as the Committee may from time to time resolve.

5.2 The elected members may appoint a deputy to attend and vote at a meeting of the Committee on his/her behalf upon notice being given to the Secretary in advance of the meeting. Members of the Committee should inform the Secretary of the name of the appointed deputy before the meeting they attend.

5.3 The specific duties of the elected committee members shall be:

5.3.1 Chair

- To chair each Committee meeting giving sufficient time for all attending members to voice an opinion on each issue on the agenda and to arrange a vote on any issue where a decision needs to be made.
- To make grant applications as required to Harrow Council or other organisations from which funding may be available.

5.3.2 **Treasurer**

- To record all authorised expenditure from the Initial Fund agreed by the Committee (in accordance with paragraph 7 below)
- To monitor the performance of Harrow Council in ordering and paying invoices pertaining to the Park.
- To be responsible for confirming satisfactory completion works to the Council (following liaison with the voluntary wardens) to enable 'goods receipting' via the Council's finance system on completion of works.
- To maintain the accounts of any independent Committee budgets that may be set up in the future, ensuring that interest on reserves are maximised, invoices for the supply of any works, equipment or materials are paid and any expenses due to other members are paid.
- To submit to the Annual General Meeting and to Harrow Council's Corporate Director for Environment & Enterprise or to such other senior Council officer as shall be notified to the Committee in writing (**the Harrow Authorised Officer**) annual accounts detailing both the Initial Fund and any independent Committee budgets that may be set up in the future.

5.3.3 Secretary

- To minute all meetings of the Committee.
- Prepare agendas in liaison with the Chair.
- Provide copies of agendas and minutes to all Committee members and advisors.
- Accept and prepare any other correspondence and communications as required from outside the Committee.

5.3.4 Voluntary Wardens

- To monitor wildlife inhabiting and visiting the site.
- To help keep site clear of litter, carry out small scale vegetation management, and generally take care of the site.
- To report incidents and problems to relevant authorities.
- In accordance with the budget available to organise volunteer work days to carry out works to maintain and enhance the Park in accordance with agreed Management Plans.
- To monitor and supervise works undertaken by volunteer groups and paid contractors and confirm satisfactory completion of works to the Treasurer.
- To talk to visitors about the site, lead guided walks, and help design leaflets about the area.
- To liaise with community groups and schools to increase public awareness of nature and recruit volunteers to improve the area.

5.3.5 Trustees

To hold the non-cash assets of the Committee on trust for the Committee and to deal with the same as resolved from time to time by the Committee. The Committee also delegates to its Trustees authority to sign such contracts and execute such other documents as are necessary to give legal effect to its resolutions.

5.4 Term of Office

- 5.4.1 The term of office for all elected Committee members shall be one year.
- 5.4.2 The election of members shall be made at the Annual General Meeting.
- 5.4.3 Elections shall be made by a show of hands and require a proposer and seconder from the Committee.
- 5.4.4 If an office should become vacant during the elected period a ballot shall be held at the next meeting to elect a replacement.
- 5.4.5 No single committee member shall combine any of the roles of Chairman, Treasurer or Secretary.

6 Meetings

- 6.1 The Annual General Meeting (AGM) shall be held each year and not more than 15 months after the previous AGM, and shall immediately precede any ordinary meeting of the Committee scheduled for the same day. The principal purpose of the AGM shall be to agree the accounts for the previous year and to elect members for the forthcoming year.
- 6.2 The Committee shall meet at least four times in a financial year, on dates to be agreed, and as necessary at other times. Confirmation of the date of meetings shall be provided at least four weeks before the meeting. An agenda for the meeting and minutes of the last meeting shall be provided at least 48 hours before the meeting.
- 6.3 A Special General Meeting of the Committee may be called to discuss matters of pressing concern by no fewer than four members of the Committee.
- 6.4 Meetings of the Committee may be attended by representatives of other local businesses, voluntary organisations and individual members of the public, but they shall not be entitled to vote but they may participate in the meetings at the discretion of the Chair and/or upon giving the Chair notice in advance of the meeting, preferably in writing, of the nature of their business. Extra meetings to discuss issues of importance shall be arranged as necessary. These shall be at the discretion of the Chair or on the request of at least a minimum of four members of the Committee. An ordinary meeting of the Committee shall be deemed quorate only if formally convened and if at least three members are present within half an hour of the scheduled start time.
- 6.5 The agenda for each meeting shall include;
- Apologies for absence
 - Minutes of last meeting
 - Matters arising
 - Chair's report
 - Wardens' reports – To present written report and take questions
 - Review of management operations carried out since the last meeting
 - Management operations to be carried out in the period before the next meeting
 - Treasurer's report
 - Any other business
 - Date of next meeting
- 6.6 Voting and Quorum
- 6.6.1 The Quorum for any meeting shall be 3 voting members of the Committee's membership.

- 6.6.2 Any decisions requiring a vote shall be made by a show of hands, the majority taking the decision. In event of a tie of votes the Chair will have an additional casting vote.
- 6.7 Exceptionally where a decision is required at short notice it is not practical to call a Committee meeting, expenditure from the Initial Fund (in accordance with the annual budget approved under paragraph 7) or expenditure of an independent Committee budget can be authorised by an email poll. Such a poll is valid only if conducted by either the Chairman or the Treasurer. All committee members must be given at least 48 hours from the time the initial email request is received to return their vote, and expenditure can be authorised only if approved by at least half of the Committee's total membership.

7 Finance

- 7.3 Either:

Harrow Council has received [£x] of section 106 monies from the developer of the, to be used for the future upkeep of [x] (**the Initial Fund**). The Initial Fund monies shall be held and monitored by Harrow Council, to be expended in accordance with its legal obligations or:

Harrow Council has awarded a grant of [£x] to be used for the future upkeep of [x] (**the Initial Fund**). The Initial Fund monies shall be held and monitored by Harrow Council, to be expended in accordance with its legal obligations

- 7.2.1 The Committee will present to the Harrow Authorised Officer for approval an annual budget for every financial year indicating anticipated expenditure from the Initial Fund. The budget will be prepared in accordance with the criteria and terms and conditions of the S106 agreement and based on delivery of the Environmental Management Plan.
- 7.3 Following approval of the annual budget by the Harrow Authorised Officer, the Committee may authorise expenditure in accordance with the annual budget in order to meet the management plan requirements. All goods and works must be procured in accordance with the Council's standing orders to ensure that value for money is achieved, and payments shall be authorised via the Council's purchase order system. The actual annual expenditure for any financial year must be within 5% of the agreed budget. Deviation from the budget of over 5% must be approved in advance by the Harrow Authorised Officer.
- 7.4 In case of emergency only where it is necessary to prevent damage to property or injury to persons (for example, in connection with a flood event), and it is not practical to call a committee meeting or conduct an email poll in accordance with paragraph 6.7, or where expenditure is required from the Initial Fund that would exceed the approved budget, emergency access to the Initial Fund up to £2,000 can be authorised by

the Chair and the Authorised Harrow Officer. Any such expenditure must be reported to the Committee at its next meeting.

- 7.5 The existence of the Initial Fund does not preclude the Committee from in future opening its own bank account and managing an independent budget, for example using funds from charitable donations or grants from government or charity funding bodies.
- 7.6 Any funding and income received by the Committee, or any assets held by the Committee, may only be used to further the aims of the Committee and for no other purpose.
- 7.7 Financial records shall be maintained by the Treasurer using simple income and expenditure accounts.
- 7.8 Any bank accounts operated by the Committee shall require two signatures. Four members of the Committee shall be designated signatories of cheques.
- 7.9 Expenditure from an independent Committee budget must be agreed by the full committee either at a formal meeting or by email poll as described in section 6 (Meetings). However, payments on invoices raised against orders previously agreed by the Committee can be authorised by the Treasurer after consultation with the relevant voluntary warden and receipt from them of confirmation that the work has been carried out as ordered.
- 7.10 The Financial year for the Committee shall be 1st April 1 to 31st March.

8 Roles and Responsibilities

- 8.1 The maintenance of the Park and its assets remains the responsibility of the Council. This agreement is binding in honour only, is not intended to be a legally binding contract between us and may be cancelled at any time at the discretion of either party. Neither of us intends any employment relationship to be created either now or at any time in the future. The Council has agreed the [Park User Group] can perform the following functions at the Park. :
 - Utilise the Park building (as relevant) in accordance with the agreed licence to occupy
 - Lock and unlock the Park (as agreed with the Council's Park Service Manager
 - Carry out amenity works to the betterment of the Park and for the appreciation of all visitors
 - Producing flower displays and assisting with the maintenance of flower beds. Maintenance is to be such that the area is always neat, clean and tidy.
 - Organise community events
 - To meet the time commitments and standards which have been mutually agreed to and to give reasonable notice so other arrangements can be made when this is not possible

- To follow the organisation's procedures and standards, including Health and safety and equal opportunities, in relation to staff, volunteers and park users.

9 Amendments to the Constitution

9.1 Amendments to the Constitution may only be made after reasonable notice has been given to Harrow Council and then only as follows:

- Notice of any proposed amendment must appear as an agenda item for a Committee meeting.
- The proposed amendment will be noted and recorded in the minutes and appear as a special item at the next meeting of the Committee.
- The amendment will be carried if it is supported by a two thirds majority of those Committee members present and voting at that meeting.

10 Ratification and Dissolution

10.1 This Constitution shall become effective upon approval by at least 9 voting members of the Committee's membership.

10.2 Dissolution of the Committee can be agreed at a meeting held, where 21 days notice of such a meeting was given to all Committee Members (as well as to Harrow Council), by a two thirds majority vote of those attending and voting. Any assets held by the group will be donated to the Harrow Council, or returned to any organisation that may have claim to those assets, such as unspent grant aid.

*This Constitution was adopted at a meeting of members on
.....2015*

Signed _____ Chair
NAME.....

Signed _____ Secretary NAME

.....

Appendix 3

Operational Framework for the use of Parks Assets

1. Introduction

- 1.1 The purpose of this framework is to provide a structure for the use of Park Assets by Park User groups.
- 1.2 Harrow has a variety of Park assets which include Buildings, Community Halls, Pavilion's, bowling and Cricket pitches, all of which can be exposed to commercial activities and provide income.
- 1.3 At an overarching level the Council is responsible for the maintenance of all its assets, subject to case by case agreement as part of occupancy arrangements
- 1.4 By virtue of Section 123, Local Government Act 1972, the Council has the power to dispose of land held by it . The Localism Act 2011 gives community groups the opportunity to express an interest in providing or assisting in the provision of a relevant service and to have that request formally consider by the Local Authority..

1. Interested Parties

It is expected that the main interested party under this framework will be the newly created and some existing park user groups. These groups would have either been identified by the Community Engagement Team in Environment and Enterprise (E&E) or had been notified to that team by other Council Officers or any other party or agency.

3 Approach to Transfer of Parks Assets

- 3.1 In the context of this framework "Transfer" is considered to relate to Licence arrangements. The Council will consider the transfer of an asset only through the granting of short/medium/long term licences or leases to occupy.
- 3.2 All occupancy arrangements will be finalised by the Council's Corporate Estates Team who will stipulate in such leases/licences an appropriate clause (step-in rights) under which the asset would revert to the Council, for example;

- In the case of insolvency of an incorporated group
- In the case of corruption
- If the anticipated community related benefits of transfer are not realised
- In the event of extremist activities taking place within the asset

3.3 In addition, where appropriate if a Service Level Agreement (SLA) exists, it will be linked to a suitable review period will be written into the agreement. However the SLAs developed under this regime will outline the roles and responsibilities of the User group in terms of maintenance of the Park Building asset.

4. Eligibility

4.1 The Council will consider requests from groups to use and occupy Park assets. Organisations must be able to demonstrate good governance with the following four guiding principles:

- **Sustainability** - The need to demonstrate robust management arrangements. Long term leases would require the entity to have a business plan which can support the long term management of the asset
- **Governance** - The Council, in considering any future projects for potential asset transfer, should be satisfied that the organisation(s) which will receive the asset has appropriate governance arrangements in place.
- **Inclusion** - Ensuring equality of access, opportunity and community benefit. This would require proposals relating to the groups' access and community engagement arrangements.
- **Social Return** – a clear understanding of the social value that will accrue by allowing the use of the asset. The Council will outline some key performance indicators such as ;
 - Increase in attendance at events
 - Inclusiveness – increase usage by hard to reach groups
 - Increase in volunteering activities to improve the asset

5. Aims and benefits of Community Asset Transfer

5.1 The aims of the Council's approach to Community Asset Transfer are to derive the widest public value that can be achieved in relation to, for example:

- Community empowerment – broadening community involvement from just reporting issues to provision of services as appropriate
- Strengthen ties within the community

- Locality-wide benefits
- Building the capacity in the community
- Improvements to local services
- Share of responsibilities

6 . Occupancy Arrangements

6.1 There are a number of different contractual options available when considering occupancy arrangements; the three most common have been summarised below; whichever is utilised by the Authority, will need to be proportionate to the size and complexity of transfer.

6.2 The most common tenancies that will be used when considering the transfer of an asset will include;

- **Licence to Occupy** - This form of agreement may be used when the Local Authority and the tenant need to occupy the same premises, but does not give rise to a landlord-tenant relationship. Instead, the relationship is one of licensor-licensee. Unlike a commercial lease, this does not give the licensee an exclusive right of occupation of the premises. This may also be used for the ad-hoc hire of Community facilities such as halls.
- **Periodic Tenancy** - A periodic tenancy is an arrangement which may have originally derived from, but is not currently documented by, a contract or lease. An example of this is where a lease might have expired but the tenant has been permitted to remain in occupation paying rent. In the event that such leases exist within any parks buildings, the Local Authority will aim to work with the occupant to transfer them onto a more formal arrangement such as a lease.
- **Commercial Lease** - The commercial lease will be used in cases where the property is to be let for a longer term period and where the Local Authority has no co-location at the property.

6.3 The most suitable arrangement for the Council and the Community Group will be determined by the Corporate Estates Team.

7. Preservation Orders and Listed Properties

7.1 Whilst medium to long term leases may be issued, any lessee will be responsible for ensuring compliance with any existing conditions associated with Preservation Orders and Listed Properties.

8. Asset Lock Provisions

8.1 The Council is required to ensure that it protects its interest in the asset which has been provided on lease. The purpose of an asset lock is to restrict third party community organisations from using the asset as any form of equity against a loan agreement but will allow the lease to show security of tenure to support funding bids

9. Due diligence

9.1 Depending on the type and length of occupancy arrangements the Community Engagement team conduct a range of checks to ascertain, amongst other matters whether the organisation have a Constitution or whether they will adopt the Council's standard Constitution/Terms of Reference. This will set out how the organisation is governed.