

Council (Extraordinary)

SUPPLEMENTAL SUMMONS

DATE: Thursday 23 May 2013

5. **HEALTH AND WELLBEING BOARD, HEALTH SCRUTINY, PUBLIC HEALTH AND CHANGES TO THE CONSTITUTION** (Pages 1 - 42)

Report of the Director of Legal and Governance Services.

8. **ACCESS TO INFORMATION AND EXECUTIVE PROCEDURE RULES** (Pages 43 - 106)

Report of the Director of Legal and Governance Services.

9. **CORPORATE DIRECTORS' DELEGATED POWERS** (Pages 107 - 126)

To approve the delegated powers to Corporate Directors as set out in Part 3B of the Constitution.

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EXTRAORDINARY COUNCIL
23 MAY 2013

**HEALTH AND WELLBEING
BOARD, HEALTH
SCRUTINY, PUBLIC HEALTH
AND CHANGES TO THE
CONSTITUTION**

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REPORT FOR: EXTRAORDINARY COUNCIL

Date of Meeting: 23 May 2013

Subject: Health and Wellbeing Board, Health Scrutiny, Public Health and Changes to the Constitution

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

Exempt: No

Enclosures: Appendix 1 - Terms of Reference.
Appendix 2 - Procedure Rules for Health and Wellbeing Board
Appendix 3 – Revised delegations to the Director of Public Health to reflect the transfer of public health functions
Appendix 4 – Revised terms of reference to the Health and Social Care Scrutiny Sub-Committee
Appendix 5 – Consequential Constitutional Changes

Section 1 – Summary and Recommendations

This report seeks approval to the formation of a Health and Wellbeing Board as required by Section 194 of the Health and Social Care Act 2012 and proposes associated constitutional revisions. The Act also transfers functions relating to public health to local authorities and requires the appointment of a Director of Public Health as a statutory Chief Officer.

Recommendations:

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 Appendices 1 and 2 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 3 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 4 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 amendments at Appendix 5 be approved

Section 2 – Report

Background

The Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 contain provisions concerning the governance of Health and Wellbeing Boards (HWB) and changes in respect of the requirements for Health Scrutiny.

The HWB has a duty to encourage integrated commissioning across NHS, public health and local authority services in order to improve efficiency, secure better care and ultimately improve health and wellbeing outcomes for the local authority. It is responsible for the mutual obligation on the council and NHS commissioners to undertake a Joint Strategic Needs Assessment (JSNA) and produce a Joint Health and Wellbeing Strategy (JHWS) for the borough.

Current situation

The Shadow Health and Wellbeing Board has been meeting regularly and has discussed the terms of reference and procedural notes for the Health and Wellbeing Board.

Why a change is needed

This report proposes that the Council establish a Health and Wellbeing Board, the terms of reference and procedural rules for which have been developed in consultation with the Shadow Health and Wellbeing Board. The Health and Social Care Act 2012 gives the Board specific functions and further functions can be given to the boards in line with local circumstances. However, the HWB cannot be responsible for overview and scrutiny functions. The arrangements make a distinction between the role of health scrutiny and the role of the HWB.

The proposed board membership reflects the fact that political proportionality requirements have been lifted by Regulation 7 and it is left to local determination. The councillor members of the HWB are nominated by the Leader of the Council. Voting restrictions have been lifted by Regulation 6 Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 so that non-elected members of a health and wellbeing board can vote alongside nominated elected representatives on the Board unless the Council decides otherwise. The enclosed procedural rules

therefore apply to Members of the Council, Clinical Commissioning Group (CCG) representatives and the representative of the local Healthwatch organisation. The Council can appoint any other members it considers appropriate but once the HWB has been established the HWB may itself appoint additional members.

The NHS Commissioning Board is required to appoint a representative to join the HWB for the purposes of participating in its preparation of the JSNA or health and wellbeing strategy. It is therefore proposed that this representative be appointed as a member of the HWB for these discussions but without the power to vote.

All HWB members with the power to vote will be required to abide by the Members' Code of Conduct. The provisions in relation to Disclosable Pecuniary Interests (DPIs) will apply to both elected and non-elected members. The non-elected members of the HWB fall within the definition of 'co-opted members' contained in the Localism Act 2011, and as such they will be covered by the requirement to notify the Monitoring Officer of any DPIs.

Changes to the system of review and scrutiny of the health service have meant that the Council rather than a health scrutiny committee is responsible for health scrutiny functions. Under the new system the Council does, however, have flexibility in terms of discharging these functions and it is proposed that this be delegated to the Health and Social Care Scrutiny Sub-Committee. It should also be noted that health scrutiny functions cannot be delegated to an officer. The regulations in relation to health scrutiny make provision for local authorities to review and scrutinise matters relating to the planning, provision and operation of the health service in their area. There are new obligations on NHS bodies, relevant health service providers and local authorities around consultation on substantial developments or variations to services to aid transparency and local agreement on proposals.

The discharge of functions by HWBs are within the remit of scrutiny. It should be noted, however, that the core functions of HWB are not subject to call in as they are not executive functions.

The Director of Public Health will be required to prepare an annual report on the health of the people in the local authority's area which the Council must publish. The Act sets out a number of other statutory duties and responsibilities of the Director of Public Health.

The Council is providing its public health service jointly with the London Borough of Barnet.

Other options considered

There is a statutory duty to establish a Health and Wellbeing Board as a committee of the Council under Section 194 of the Health and Social Care Act.

Implications of the Recommendation

Legal comments

There are no additional legal comments to those contained in the body of the report.

Financial Implications

There are no financial implications arising directly from this report.

Risk Management Implications

None in the context of this report

Equalities implications

There are no equalities implications arising directly from this report.

Corporate Priorities

Supporting and protecting people who are most in need
United and involved communities

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 13 May 2013		
Name: Linda Cohen	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 13 May 2013		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Democratic and Electoral Services
Manager

elaine.mceachron@harrow.gov.uk Tel: 020 8424 1097

Background Papers:

Section 194 of the Health and Social Care Act 2012

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;

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- 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

Appendix 1

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.

4.4 The chair of the Clinical Commissioning Group will serve as the vice chair of the Health and Wellbeing Board.

4.5 Participation of the NHS Commissioning Board

4.5.1 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

4.5.2 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

4.6 Sub Groups

4.6.1 The Board will review each year which sub groups are to be established based on the Board's priority areas,

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

4.6.3 Sub groups will be informal officer level groups.

4.6.4 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.

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.	Ss249 and 73A National Health Service Act 2006.
4. Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State	Ss 6C(1) and (3) National Health Service Act 2006
5.Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.	Ss 7A and 73A National Health Service Act 2006.
6.Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils	Schedule 1 National Health Service Act 2006
7.Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.
8.Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
9.To prepare an annual report on the health of the people in Harrow	S73B(5) National Health Service Act 2006
10.To be a member of the Health and Wellbeing Board	S194(2)(d) National Health Service Act

Appendix 3 – Delegations to the Director of Public Health

11. Responsibility for the exercise of all other Local Authority's public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.
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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.

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.¶

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:

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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.

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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.

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(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).

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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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.

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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Deleted: linda.bradford@Harrow.gov.uk

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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

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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EXTRAORDINARY COUNCIL
23 MAY 2013

ACCESS TO INFORMATION
AND EXECUTIVE
PROCEDURE RULES

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REPORT FOR: EXTRAORDINARY COUNCIL

Date of Meeting: 23 May 2013

Subject: Access to Information and Executive Procedure Rules

Exempt: No

Enclosures: None

1. Summary

The enclosures to this report, sets out proposed 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.

The proposed changes to the Access to Information and Executive Procedure Rules are contained as highlighted / tracked changes and Council are requested to agree and adopt the proposed changes

FOR CONFIRMATION

Contact:

Elaine McEachron, Democratic & Electoral Services Manager

Tel: 020 8424 1097

E-mail: elaine.mceachron@harrow.gov.uk

Background Papers:

Constitution

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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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<p>privilege could be maintained in legal proceedings</p>	<p>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>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

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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).

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:

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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.

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4. **Sub-delegation of Executive Functions**

4.1 The Executive, or an individual Member of the Executive, may delegate functions for which they are responsible only to the extent permitted within the Allocation of Responsibilities in Part 3 of the Constitution.

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

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.

6. **Conflicts of Interest**

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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**

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

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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;
- 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.

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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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8.3 **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 of the main Opposition Group, stating reasons for urgency.

9. **Meetings of the Executive to be held in Public**

9.1 All meetings of the Executive will be held in public. These meetings will be governed by the Access to Information Procedure Rules in Part 4G of this Constitution. Where the Executive is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press and public in accordance with the Access to Information Procedure Rules, having given 28 clear calendar days' notice of the intention to hold a private meeting (or part private).

10. **Quorum**

10.1 Subject to Rule 10.2, the quorum for a meeting of the Executive shall be a minimum of three.

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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.

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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.

13. Attendance at Executive Meetings

13.1 Non-Executive Members of the Council, members of the public and press may attend all meetings of the Executive, subject to Rule 9 above.

13.2 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;

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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.

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

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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 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

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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

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.

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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.

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

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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

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

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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

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.

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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.

Reports of statutory officers

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Matters referred to the Cabinet under Paragraph 22

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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.

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.

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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.

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.

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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:

- (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

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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.

- 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;

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

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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

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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.

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

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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 para. 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.](#)

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

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<#>Minutes¶
<#>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 meeting

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

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28.3 **Production of Decision Notices and Minutes for Cabinet Meetings**

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28.3.1 A Decision Notice will normally be published on the Council's website on the day immediately following the Cabinet Meeting thereby setting/invoking the Call-in period. Minutes of the Cabinet and other Executive Meetings will normally be published within five clear working days of the meeting.

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

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29. **Record of Attendance**

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.

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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**

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.

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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.

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.

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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 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.

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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:

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

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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.

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

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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.

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.

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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.

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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.

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

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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.

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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 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.

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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;

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

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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.

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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.

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.

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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.~~

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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.

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.

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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**

- 49.1 Any Panel, Forum, Sub-panel or Sub-forum may receive a deputation on any matter appearing on the relevant agenda.

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- 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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EXTRAORDINARY COUNCIL
23 MAY 2013

CORPORATE DIRECTORS
DELEGATED POWERS

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REPORT FOR: EXTRAORDINARY COUNCIL

Date of Meeting:	23 May 2013
Subject:	Corporate Directors' Delegated Powers
Exempt:	No
Enclosures:	None

1. Summary

The enclosures to this report, sets out proposed revisions to Part 3B of the Constitution to take into account the Statutory Role of the Director of Public Health following the transfer of Public Health responsibilities to Local Authorities.

The proposed changes to Part 3B of the Constitution are contained as tracked changes and Council are requested to agree and adopt the proposed changes.

FOR CONFIRMATION

Contact:

Elaine McEachron, Democratic & Electoral Services Manager

Tel: 020 8424 1097

E-mail: elaine.mceachron@harrow.gov.uk

Background Papers:

Constitution

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

Monitoring Officer	Statutory Source of Function
1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. 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>
<u>5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State's functions.</u>	<u>Ss 7A and 73A National Health Service Act 2006.</u>
<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>	<u>Schedule 1 National Health Service Act 2006</u>

<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>

