

Council (Council Tax)

SUPPLEMENTAL SUMMONS

DATE: Thursday 22 February 2018

7. CORPORATE PLAN - 2018 UPDATE (Pages 3 - 6)

Recommendation I: Cabinet
(15 February 2018)

8. FINAL REVENUE BUDGET 2018/19 AND MEDIUM TERM FINANCIAL STRATEGY 2018/19-2020/21 (Pages 7 - 50)

Supplemental Report of the Director Of Finance

Recommendation I: Cabinet
(15 February 2018)

9. TREASURY MANAGEMENT STRATEGY STATEMENT INCLUDING PRUDENTIAL INDICATORS, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2018/19 (Pages 51 - 54)

Recommendation I: Cabinet
(15 February 2018)

10. FINAL CAPITAL PROGRAMME 2018/19 TO 2020/21 (Pages 55 - 64)

Recommendation I: Cabinet
(15 February 2018)

11. HOUSING REVENUE ACCOUNT BUDGET 2018-19 AND MEDIUM TERM FINANCIAL STRATEGY 2018-19 TO 2020-21 (Pages 65 - 68)

Recommendation I: Cabinet
(15 February 2018)

12. NON-EXECUTIVE FEES AND CHARGES FOR 2018-19 (Pages 69 - 86)

Report of the Interim Head of Paid Service

14. MINOR AND ADMINISTRATIVE AMENDMENTS TO THE CONSTITUTION OF THE COUNCIL (Pages 87 - 158)

Report of the Monitoring Officer.

**COUNCIL
22 FEBRUARY 2018**

**CABINET
RECOMMENDATION
(15 FEBRUARY 2018)**

RECOMMENDATION I

CORPORATE PLAN – 2018 UPDATE

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CABINET

15 FEBRUARY 2018

Record of decisions taken at the meeting held on Thursday 15 February 2018.

Present:

Chair: * Councillor Sachin Shah

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Mrs Christine Robson
* Glen Hearnden	* Adam Swersky
* Graham Henson	

In attendance:

Richard Almond	Minute 668
Marilyn Ashton	Minute 668
Barry Macleod-Cullinane	Minute 668
Chris Mote	Minute 668
Janet Mote	Minute 668
Paul Osborn	Minute 668

* Denotes Member present

† Denotes apologies received

RECOMMENDED ITEMS

671. Corporate Plan - 2018 Update

Resolved to RECOMMEND: (to Council)

That the Corporate Plan (Harrow Ambition Plan) be adopted.

RESOLVED: That

- (1) the annual update to the Corporate Plan 2018 (Harrow Ambition Plan) be noted;

- (2) the Leader of the Council be authorised to make any minor amendments to the Corporate Plan 2018 as necessary prior to the matter going to Council.

Reason for Decision: To update the Council's Policy Framework and set out the Council's direction of travel for the following year.

Alternative Options Considered and Rejected: None.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

[Call-in does not apply as the decision is reserved to Council.]

**COUNCIL
22 FEBRUARY 2018**

**CABINET
RECOMMENDATION
(15 FEBRUARY 2018)**

RECOMMENDATION I

**FINAL REVENUE BUDGET 2018/19
AND MEDIUM TERM FINANCIAL
STRATEGY 2018/19-2020/21**

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REPORT FOR: **Council**

Date of Meeting: 22 February 2018

Subject: Final Revenue Budget 2018/19 and Medium Term Financial Strategy 2018/19 to 2020/21 – Council Tax Resolution and Additional Recommendation

Responsible Officer: Dawn Calvert, Director of Finance

Exempt: No

Enclosures: Appendix listed below

No	Appendix
1	Model Council Tax Resolution 2018/19

Section 1 – Summary and Recommendations

This report sets out the Model Council Tax Resolution 2018/19 (Appendix 1) to the Revenue Budget and Medium Term Financial Strategy (MTFS) report that was recommended by Cabinet to Council.

Recommendations:

- 1) That Council approves the Model Council Tax Resolution 2018/19 as set out in Appendix 1 and delegates any minor amendments to the Chief Finance Officer.
- 2) In accordance with section 38 (2) of the Local Government Finance Act 1992, Council instructs the CFO to place a note in the local press of the amounts set out in (4) with a period of 21 days following the Council's decision.

Section 2 – Report

Introductory paragraph

1. This report covers the Medium Term Financial Strategy (MTFS) 2018/19 to 2020/21. The Draft Revenue Budget report to the 7 December 2017 Cabinet and the Final Revenue Budget report to the 15 February 2018 Cabinet set out the context and background for setting the 2018/19 Budget.

Model Council Tax Resolution

2. The Model Council Tax Resolution 2018/19 is attached at Appendix 1. The report to Cabinet on 15 February 2018 indicated that the Council Tax would still be subject to confirmation of the GLA precept which is expected on 22 February 2018. If there are any changes notified in time, they will be announced at this meeting on 22 February 2018. If they are not announced on time then there is a delegation to the Chief Finance Officer to make any minor changes.

Legal Implications

4. The Council has a fiduciary duty to residents to set a balanced budget. Council is setting the budget envelope for the executive to make individual budget decisions within. Cabinet and Council have before them the equality implications of the savings proposals. Some of the budget proposals will be subject to future individual cabinet decisions and the equality impact assessments will be updated for these so that decision makers can take these into consideration at this time.

Financial Implications

5. Financial matters are integral to this report.

Performance Issues

6. There are no direct performance issues arising from the changes in this report.

Environmental Impact

7. There are no environmental impacts from the changes contained in this report.

Risk Management Implications

8. There are no risk management implications arising from the changes contained in this report.

Equalities Implications

9. There are no equalities implications arising from the amendments in this report. Equalities implications are contained in the main report on the budget and MTFS.

Corporate Priorities

10. The budget for 2018/19 supports delivery of the Council's vision, the Administration's priorities and is consistent with the Corporate Plan.

Section 3 - Statutory Officer Clearance

Name: Dawn Calvert

Chief Finance Officer

Date: 15 February 2018

Name: Jessica Farmer

on behalf of the
Monitoring Officer

Date: 20 February 2018

Section 4 - Contact Details and Background Papers

Contact: Sharon Daniels, Head of Strategic and Technical Finance
(Deputy S151)

Email: Sharon.daniels@harrow.gov.uk

Background Papers:

[Draft Revenue Budget 2018/19 and MTFS 2018/19 to 2020/21](#)

[Final Budget Report 2018/19 and MTFS 2018/19 to 2020/21](#)

Model Council Tax Resolution

Harrow Council

Council Tax Resolution 2018/2019

To approve as part of the Summons for Council, the model budget and Council Tax resolutions reflecting the recommendations of Cabinet and the GLA precept.

Council is requested to determine the level of the Council Tax for 2018/2019 in the light of the information on the precept and make the calculations set out in the resolution shown below.

- (1) To note that at its meeting on 7 December 2017 the Council calculated the amount of 84,466 as its Council Tax Base for the year 2018/2019 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 2012 made under Section 31B(3) of the Local Government Finance Act 1992 (The Act).
- (2) That the following amounts be now calculated by the Council for the year 2018/2019, in accordance with Sections 31A, 31B and 34 to 36 of the Local Government Finance Act 1992:
 - (i) Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act. **(Gross expenditure)** £582,580,886
 - (ii) Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3)(a) to (d) of the Act. **(Gross income including use of reserves)** £464,777,000
 - (iii) Being the amount by which the aggregate at (i) above exceeds the aggregate at (ii) above, calculated by the Council, in accordance with Section 31A(4) of the Act, **as its Council Tax Requirement for the year.** £117,803,886
 - (iv) Being the amount at (iii) divided by the Council Tax Base, calculated by the Council at its meeting on 7 December 2017 in accordance with Section 31B(1) of the Local Government Finance Act 1992, as the basic amount of its Council tax for the year. **(The average Band D Council Tax)** £1,394.69

(v) Valuation Bands

	A	B	C	D	E	F	G	H
£	929.80	1,084.76	1,239.72	1,394.69	1,704.62	2,014.55	2,324.48	2,789.38

Being the amounts given by multiplying the amount at (iv.) above by the number which, in the proportion set out in Section 5(1) of the Local Government Finance Act 1992, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Local Government Finance Act 1992, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (3) That it be noted that for 2018/2019 the Greater London Authority stated the following amount in precept issued to the Council, in accordance with section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below

Valuation Bands

	A	B	C	D	E	F	G	H
£	196.15	228.85	261.54	294.23	359.61	425.00	490.38	588.46

- (4) That, having calculated the aggregate in each case of the amounts at (2)(v) and (3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2018/2019 for each of the categories of dwellings shown below

Valuation Bands

	A	B	C	D	E	F	G	H
£	1125.95	1313.61	1501.26	1688.92	2064.23	2439.55	2814.86	3377.84

- (5) Determine for the purposes of 52ZB and Section 52ZC of the Local Government Finance Act that the Council's basic amount of Council Tax for 2018/19 is not excessive in accordance with the principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992 and the Referendums Relating to Council Tax Increases (Principles) (England) Report 2018/2019.

CABINET

15 FEBRUARY 2018

Record of decisions taken at the meeting held on Thursday 15 February 2018.

Present:

Chair: * Councillor Sachin Shah

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Mrs Christine Robson
* Glen Hearnden	* Adam Swersky
* Graham Henson	

In attendance:

Richard Almond	Minute 668
Marilyn Ashton	Minute 668
Barry Macleod-Cullinane	Minute 668
Chris Mote	Minute 668
Janet Mote	Minute 668
Paul Osborn	Minute 668

* Denotes Member present

† Denotes apologies received

RECOMMENDED ITEMS

672. Final Revenue Budget 2018/19 and Medium Term Financial Strategy 2018/19 - 2020/21

Resolved to RECOMMEND: (to Council)

That

- (1) whilst being mindful of the results of the various consultation and equality impact assessments, the 2018/19 budget be approved to

enable the Council Tax for 2018/19 to be set, appendix 2 to the report refers;

- (2) the Medium Term Financial Strategy (MTFS) at appendix 2 to the report be approved;
- (3) the structure of the funding formula 2018/19 through the introduction of the National Funding Formula, appendix 6 to the report refers, be approved;
- (4) the 2018/19 Members' Allowance Scheme to Council at appendix 12 to the report be approved;
- (5) the 2018/19 Annual Pay Policy Statement at appendix 13 to the report be approved;
- (6) the Capital Receipts Flexibility Strategy at appendix 15 to the report be approved.

RESOLVED: That

- (1) the remaining budget gaps of £17.636m 2019/20 and £16.061m for 2020/21, table 4 of the report refers, be noted;
- (2) the intention to increase Council Tax by 2.99% in 2018/19, paragraph 1.18 of the report refers, be noted;
- (3) the intention to increase Council Tax by 0.5% in 2018/19 in respect of the Adult Social Care Precept, paragraph 1.18 of the report refers, be noted;
- (4) the 2018/19 Public Health Budget, as set out in Appendix 7 to the report, be noted;
- (5) the sum of the Better Care Funding to be received by the Council in 2018/19, paragraph 1.48 of the report refers, be noted;
- (6) the comments from the various stakeholder meetings, appendix 14 to the report refers, be noted;
- (7) the Director of Finance, following consultation with the Portfolio Holder for Finance and Commercialisation, be authorised to update the 2018/19 Budget for any changes from the final Local Government Settlement announcement if necessary, paragraph 1.35 of the report refers.

Reason for Decision: To ensure that the Council sets a balanced budget for 2018/19.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

[Call-in does not apply to the decision reserved to Council and where the decision is noted.]

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MEDIUM TERM FINANCIAL STRATEGY 2018/19 to 2020/21

	2018/19	2019/20	2020/21
	£000	£000	£000
Budget Requirement Brought Forward	164,804	168,917	163,150
Corporate & Technical	1,719	14,826	15,770
People	5,965	-1,491	-90
Community	-1,983	-1,816	-952
Resources & Commercial	-1,888	350	0
Regeneration	300	0	0
Pan Organisation			
Capital In Investment reversed	4,113	11,869	14,728
FUNDING GAP	0	-17,636	-16,061
Total Change in Budget Requirement	4,113	-5,767	-1,333
Revised Budget Requirement	168,917	163,150	161,817
Collection Fund Deficit/-surplus	-6,093		
Revenue Support Grant	0	-1,560	0
Top Up	-10,582	-22,245	-21,977
Retained Non Domestic Rates	-34,438	-16,480	-16,975
Amount to be raised from Council Tax	117,804	122,865	122,865
Council Tax at Band D	£1,394.69	£1,429.56	£1,429.56
Increase in Council Tax (%)	3.49%	2.50%	0.00%
Tax Base	84,466	85,946	85,946
Collection rate	98.00%	98.00%	98.00%
Gross Tax Base	86,190	87,700	87,700

MTFS 2018/19 to 2020/21 – Proposed investments / savings

TECHNICAL BUDGET CHANGES			
	2018/19	2019/20	2020/21
	£000	£000	£000
Capital and Investment			
Capital financing costs and investment income			
Increased Minimum Revenue Provision costs of the capital programme and interest on balances changes	7,994	4856	
One off MRP underspend	-4,000	4000	
On going MRP underspend	-2,000		
25%reduction	-1,144	-355	-45
Reductions following review of capital bids in December	-51	-816	
Application of Capital Receipts to reduce borrowing costs	-350	350	
Capital In Investment reversed	-160		500
Capital Financing costs increasing 2020/21 for depot			681
One of use of MRP capacity	500		
Total Capital and Investment Changes	789	8,035	1,136
Grant Changes			
New Homes Bonus			
Estimated Grant changes	940	1000	940
Additional New Homes Bonus - December 2017 Settlement			
New Adult Social Care Grant 2017.18	974		
<i>Total New Homes Bonus</i>	<i>1,561</i>	<i>1,353</i>	
Better Care Fund			
<i>Estimated additional grant announced Dec 2017</i>	<i>-57</i>	<i>24</i>	<i>33</i>
Education Support Grant.			
Projected reduction in grant received	751	144	0
New NNDR Multiplier Inflation compensation grant			
<i>Total ESG</i>	<i>-44</i>	<i>-255</i>	<i>1194</i>
Transition grant	699		
Public Health Grant Reduction	697	487	
Total Grant Changes	2,856	1,609	2,167
Other Technical Changes			
Freedom Pass Levy increase. Cost of Freedom passes charged to Harrow by Transport for London			
Amendment 2016/17 review - extension to 2019/20	390		500
<i>Total Freedom Pass Levy change</i>	<i>390</i>	<i>414</i>	<i>500</i>
<i>Reduction in Freedom Pass Levy</i>	<i>-500</i>		
<i>Increase energy contingency</i>	<i>-64</i>		
Budget planning contingency.	370	0	
One off use from 2016/17	1,000	0	
<i>Total Budget planning contingency.</i>	<i>1,370</i>	<i>0</i>	
<i>corporate adjustment</i>	<i>-748</i>	<i>-108</i>	
Total Other Technical Changes	448	414	500
Pay and Inflation			
Pay Award @ 1% pa	1,000	1,000	
Pay Award @ 2% pa			2,000
Pay inflation total	1,000	1,000	

MTFS 2018/19 to 2020/21 – Proposed investments / savings

TECHNICAL BUDGET CHANGES			
	2018/19	2019/20	2020/21
	£000	£000	£000
Additional pay award	885		
National Minimum Wage		1,300	
Employer's Pension Contributions lump sum increases agreed with actuary Required to reduce the pension deficit	664	700	
Further Contribution of Lump sum in accordance with actuarial triennial valuation			
Reduction of inflation provision and corp budgets from 2017/18	-2,350		
Inflation on goods and services @ 1.3% p.a.	1,270	0	500
Reduction in inflation provision	0	TBC	
<i>Inflation Provision total</i>	1,270	0	
Total Pay and Price Inflation	1,469	3,000	2,500
OTHER			
Reversal 17.18 Income	3,500		
Estimated Directorate Growth			4000
Improved Better Care Fund 2018/19	-4,643	4643	1367
Improved Better Care Fund 2018/19		-5467	4100
Capital Receipts Flexibility	-2,700	2700	
Total Corporate & Technical	1,719	14,826	15,770

MTFS 2018/19 to 2020/21 – Proposed investments / savings

PEOPLE DIRECTORATE			
	2018/19	2019/20	2020/21
	£000	£000	£000
Children & Families			
Proposed Savings - see appendix 1a	-91	0	0
Proposed Growth - see appendix 1a	2,900	0	0
Proposed Savings - see appendix 1b	-302	-150	0
Proposed Growth - see appendix 1c	200		
Sub total Children & Families	2,707	-150	0
Adults			
Capital In Investment reversed			
Proposed Savings - see appendix 1a	-1,242	-1,251	0
Proposed Growth - see appendix 1a	5,825	0	-90
Proposed Savings - see appendix 1b	-240	0	0
	-96	-90	0
Sub total Adults	4,247	-1,341	-90
Public Health			
Proposed Savings - see appendix 1a	0	0	0
Proposed Growth - see appendix 1a	275		
Proposed Savings - see appendix 1b	-1,264	0	0
Sub total Public Health	-989	0	0
Total People Directorate	5,965	-1,491	-90

MTFS 2018/19 to 2020/21 – Proposed investments / savings

COMMUNITY			
	2018/19	2019/20	2020/21
	£000	£000	£000
Environmental Services			
Proposed Savings - see appendix 1a	-355	-1,120	-137
Proposed Growth - see appendix 1a	720	-80	25
Proposed Savings - see appendix 1b	-2,527	-321	-840
Proposed Growth - see appendix 1c		100	0
Sub total Environmental Services	-2,162	-1,421	-952
Cultural Services			
Capital In Investment reversed	0	0	0
Proposed Growth - see appendix 1a		0	0
Proposed Savings - see appendix 1b			
Sub total Community & Culture	0	0	0
Housing - General Fund			
Proposed Savings - see appendix 1a	-100	0	0
Proposed Growth - see appendix 1a			
Proposed Savings - see appendix 1b	442	-395	0
Proposed Growth - see appendix 1c	-163	0	0
Sub total Housing General Fund	179	-395	0
Total Community	-1,983	-1,816	-952

MTFS 2018/19 to 2020/21 – Proposed investments / savings

RESOURCES & COMMERCIAL			
	2018/19	2019/20	2020/21
	£000	£000	£000
Resources & Commercial			
Proposed Savings - see appendix 1a	-228	-30	0
Proposed Growth - see appendix 1a	110	530	0
Proposed Savings - see appendix 1b	-1,770	-150	0
Total Resources & Commercial	-1,888	350	0

MTFS 2018/19 to 2020/21 – Proposed investments / savings

REGENERATION			
	2018/19	2019/20	2020/21
	£000	£000	£000
Proposed Savings - see appendix 1a	-50		
Proposed Savings - see appendix 1b	350		
Total Regeneration	300	0	0

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SCHOOLS BUDGET 2018-19

Appendix 6

Introduction

1. The Dedicated Schools Grant (DSG) is a ring fenced grant of which the majority is used to fund individual school budgets. It also funds certain central services provided by the local authority as well as provision for Early Years (private and voluntary sector and maintained nurseries) and Special Educational Needs (SEN) including fees for out of borough pupils at independent special schools.

DSG settlement 2018-19

2. The 2018-19 DSG settlement is based on the number of pupils on the October 2017 schools census for schools, as well as a lump sum for some historical items, the January 2017 Early Years census for early years and a combination of a historical lump sum and pupil . The total indicative DSG for 2018-19 is £210.9m.

Table 1 – 2018-19 DSG allocation

Block	Per Pupil Funding		Pupil No.s		Total
	Primary	Secondary	Primary	Secondary	
Schools Block – per pupil	£4,164.56	£5,833.91	21,343	11,265	£154,603,200
Schools Block – lump sum					£7,342,648
Total Schools Block					£161,945,848
Central Schools Block	£36.67		32,608		£1,195,735
High Needs Block					£30,598,585
Early Years Block					£17,180,458
Total DSG Allocation 2018-19					£210,920,627

Schools Block

3. The Schools Block is funded on two different methodologies. Firstly there is a per pupil funding rate for both primary and secondary pupils which have been derived using the total of all schools and academies 2017-18 issued budgets by the LA and dividing by the adjusted number of pupils on roll on the October 2016 census. These funding rates are then multiplied by the October 2017 numbers on roll on the October 2017 census.
4. Secondly there is a lump sum which is based on the actual values distributed in 2017-18 for business rates, pupil mobility (those starting school outside of the normal August or September (or January for reception pupils)) admission periods, and growth funding for new and expanding schools.

5. The Government will introduce a new National Funding Formula (NFF) from 2018-19. This will be a 'soft' NFF in 2018-19 and 2019-20. This means that LAs will be funded on the basis of the aggregate of the national funding formula for all schools, academies and free schools in its area but the final formula for distribution will be determined by each Council following consultation with schools and Schools Forums.
6. The LA carried out a consultation which opened on Friday 3rd November and closed on Friday 1st December 2017. The consultation sought views on whether the LA should continue to use the Harrow Schools Funding Formula or introduce the National Funding Formula from 2018-19.
7. There were a total of 45 (76%) responses received as shown in Table 1

Table 2 – summary of consultation responses

Phase	Number of Schools	Responses Received	%
All Through	1	1	100%
Primary	42	32	76%
Secondary	12	8	67%
Special	4	4	100%
Total	59	45	76%

8. Question 1 asked: which formula do you support to distribute funding to Harrow schools for 2018-20? A summary of the responses is shown at Table 2 where:

- Option A is a preference to continue with Harrow Funding Formula
- Option B is a preference to introduce the National Funding Formula

Table 3 – consultation question 1 summary of responses

Phase	Number of responses	Option a) Harrow		Option b) NFF	
		Number	%	Number	%
All Through	1	0	0%	1	100%
Primary	32	5	16%	27	84%
Secondary	8	0	0%	8	100%
Special	4	0	0%	4	100%
Total	45	5	11%	40	89%

9. As shown in Table 3 89% of respondents support the introduction of the National Funding Formula in 2018-19. The consultation also provided schools with an opportunity to make any comments. Most schools provided additional comments. The main theme of the comments:

- Those in favour expressed the need to move to a National Funding Formula in the next two years as this would help financial planning for the future.
- Those in favour of the Harrow Funding Formula expressed the need for transitional years whereby they could plan for the impact of the NFF over a longer period.
- a number of respondents requested an MFG set at -1.5%
- a number of respondents noted the importance of transitional protection over the next two years

10. As a result of this consultation and the overwhelming majority of respondents being in favour of introducing the NFF **Cabinet is asked to approve the introduction of the National Funding Formula from 1st April 2018 as set out at Table 4 below.** This means that school budgets will be prepared on the basis of the NFF in 2018-19 and 2019-20.

Table 4 – proposed funding formula rates 2018-19

Category	Description	Amount per pupil	
		Primary	Secondary
Basic entitlement	Primary	£3,016.28	
	KS3		£4,241.31
	KS4		£4,815.75
Deprivation	Free School Meals	£483.13	£483.13
	FSM 6	£592.94	£861.95
	IDACI Band F	£219.61	£318.43
	IDACI Band E	£263.53	£428.23
	IDACI Band D	£395.29	£565.49
	IDACI Band C	£428.23	£614.90
	IDACI Band B	£461.17	£658.82
	IDACI Band A	£631.37	£889.40
EAL	English as an Additional Language	£565.49	£1,520.77
Mobility	Pupils starting outside of normal entry dates	£2,980.90	£2,668.82
Prior attainment	Low prior attainment	£1,152.93	£1,701.95
Lump Sum	Lump Sum per school	£132,783.30	

Minimum Funding Guarantee

11. In 2018-19 the Minimum Funding Guarantee (MFG) will continue to protect schools from per pupil losses between years. It is proposed to set an MFG of -1.5% in line with previous years and in response to a number of comments from the consultation. This means that schools which are at the MFG will be protected from losing more than -1.5% per pupil compared with the previous

year's budget. This is to ensure that schools move as near to the NFF as possible in advance of the introduction of the hard NFF in 2020-21.

12. In addition to the MFG protection from losses, it is possible for LAs to allow overall gains for individual schools to be capped. However it is not proposed to set a cap on gains, since it is affordable within the overall formula, and therefore schools who are due to benefit from the hard NFF and whose gains have been capped in previous years to fund MFG protection for schools facing losses, will gain fully.

13. These approaches to caps and MFG protection were approved by Schools Forum on 16th January 2018.

Additional Funding

14. In 2018-19, as a one-off only, there is an additional £3m of funding in the ring-fenced Schools Block due to the introduction of the NFF and the methodology used to calculate primary and secondary units of funding. As it is a one-off it has been allocated to schools via the schools funding formula but adjusted so that it does not impact on MFG baselines in future years.

High Needs Block

15. In 2018-19 the Government will also introduce a NFF for High Needs. The breakdown of the High Needs Block allocation is shown in Table 5.

Table 5 – 2018-19 High Needs Block

Factor	Pupil No.s	Rate/proportion	Value £
Basic entitlement	525	£4,446	£2,334,388
Historic spend factor			£14,670,609
Population factor	61,693	(0.53% of national total)	£7,212,483
FSM factor	3,847	(0.34% of national total)	£911,567
IDACI factor	17,507	(0.29% of national total)	£785,769
Bad health factor	367	(0.55% of national total)	£1,112,854
Disability factor	1,434	(0.38% of national total)	£760,604
KS2 low attainment factor	535	(0.42% of national total)	£849,704
KS4 low attainment factor	488	(0.29% of national total)	£642,760
Funding floor factor	54,726	£53	£2,957,815
Hospital education			£92,460
Import/export adjustment	-12	-£6,000	-£72,000
Other			£35,572
High Needs NFF 2018-19 Allocation			£32,294,585
Less: recoupment for academies			-£1,696,000
Net High Needs Block 2018-19			£30,598,585

16. The NFF contains the following factors:

- Basic entitlement factor for each pupil in a special school or special post 16 institution
- Historic lump sum equal to 50% of each LAs current spend
- Proxy factors for population, deprivation, health and disability, and low attainment.

17. In addition there is a funding floor to protect LAs from reductions in high needs funding through formula. Harrow's funding floor in 2018-19 is £539 per 2-18yo recorded on the 2017 ONS population but the NFF only generates £486 so the LA is protected at £53 per child.

Funding shortfall for High Needs

18. As reported to Cabinet in December 2017 there is a risk to the LA through the introduction of the High Needs NFF for 2018-19. This is because there is an overall shortfall in the DSG in 2017-18 which is being funded by the use of a schools brought forward contingency which will be fully spent by the end of this financial year. This means that the funding baseline on which 50% of the allocation in 2018-19 will be based is lower than the budget in 2017-18.

19. The 2018-19 High Needs Block funding allocation is approx. £380k lower than the budget in 2017-18. In previous years, funding could be transferred from the Schools Block without limit, subject to Schools Forum agreement, to fund known and anticipated commitments in high needs expenditure. However, from 2018-19 the transfer from the Schools Block is limited to 0.5% of the total Schools Block. In 2018-19 this equates to approx. £810k.

20. As part of the consultation with schools in the Autumn Term, the consultation also sought views on whether Schools Forum should agree a transfer of 0.5% of the Schools Block into the High Needs Block to support an anticipated shortfall in funding and increase in demand. The outcome of the consultation is shown at Table 6.

Table 6 – consultation question 2 summary of responses

Phase	Number of responses	Yes		No		Not answered	
		Number	%	Number	%	Number	%
All Through	1	1	100	0	0%	0	0%
Primary	32	28	88%	3	9%	1	3%
Secondary	8	6	75%	2	25%	0	0%
Special	4	4	100	0	0%	0	0%
Total	45	39	87%	5	11%	1	2%

21. As shown in Table 6 87% of responses support the transfer of 0.5% of the schools block into the High Needs block in 2018-19. The consultation also provided schools with an opportunity to make any comments. The main theme of the comments:

- This decision should be limited to one financial year
- LA review of high needs spend must be undertaken/continued – this was expressed as a concern regarding both lack of progress and the need to plan for the future
- The need to support vulnerable children

22. As a result of the consultation, at its meeting on 12th December 2017, Schools Forum approved the transfer of 0.5% the schools block allocation into the High Needs Block in 2018-19.

23. In order to mitigate any pressures, the LA is employing specialist capacity to undertake a series of tasks that will inform the future development of SEND provision in Harrow. The first phase will be a review of the High Needs' Block expenditure. This will be followed by reviewing pupil cohorts and needs, including early years and post 16.

24. These reviews will then inform a series of short, medium and long term activities. In the short term there is an immediate need to secure sufficient places in September 2018. In the medium term there will be a need to plan for sufficient capacity and reshape in-borough provision. Long term plans will include new provision. In summary the scope of this work is as follows:

- Reviewing areas of high needs spend and volumes
- Map current in-borough provision including vacant places and gaps
- Identify cohorts of children with similar need who are currently out of borough
- Review FE and post 16 provision
- Reviewing tribunal outcomes
- Developing proposals for extended and new in-borough provision.

Early Years Block

25. The Government introduced a new National Funding Formula for Early Years from April 2017. In October 2016 and December 2016 the LA consulted on the proposed formula for 2017-18 for Harrow providers and the new Early Years Single Funding Formula (EYSFF) was approved by Cabinet in January 2017 and was introduced on 1st April 2017.

26. In 2018-19 the hourly rate per part time pupil on the January Early Years census that the LA receives will change. This means that the LA was required to conduct a consultation on the proposed change to the EYSFF for 2018-19. The consultation opened on 15th December 2017 and closed on 12th January 2018.

27. In December 2017 the Government announced the new hourly funding rates for 2018-19. The indicative total hourly funding rate available to providers in Harrow is £5.30 compared with £4.76 in 2017-18. However an SEN Inclusion Fund needs to be established from within this allocation and therefore the hourly funding rate through the formula will be lower than this.

28. The 2017-18 current EYSFF and the proposed 2018-19 EYSFF set out in the consultation is shown at Table 7.

Table 7 – current and proposed EYSFF

Description	Current	Proposed
	2017-18	2018-19
	Hourly £	Hourly £*
Funding available to providers	£4.76	£5.30
Top-slice SEN inclusion fund 5%		
Funding available to providers through formula	£4.52	£5.04
Base rate minimum 90%	£4.07	£4.53
Supplements 10%	£0.45	£0.51
Funding available to providers through formula	£4.52	£5.04
Breakdown of supplements		
- Deprivation (IDACI) 10%	£0.05	£0.05
- Flexibility 45%	£0.20	£0.23
- Quality 45%	£0.20	£0.23
Total Supplements at 10% of overall allocation	£0.45	£0.51
Annual maximum sum per child (15h/wk over 38wks)	£2,578.41	£2,872.80

**hourly rates will not automatically calculate as figures have been adjusted for rounding*

29. The consultation proposed to retain the structure of the current EYSFF but to increase each of the factor values proportionately to reflect the increase in funding to the LA.

30. There were 11 responses received in the consultation all of which supported the proposals in the consultation. Therefore for 2018-19 the LA will retain the

same EYSFF structure and increase the values as set out in the final column of Table 7 above.

Other School Budgets

Capital

31. The DfE have yet to confirm the 2018-19 capital allocation. This is expected later in January and any Devolved Formula Capital will be included in the final school budgets.

Pupil Premium

32. Schools will continue to receive the Pupil Premium. Eligibility and funding rates are shown at Table 8.

Table 8 – Pupil Premium rates 2018-19

Category	Per pupil value
Pupils in year groups reception to year 6 recorded as Ever 6 FSM	£1,320
Pupils in years 7 to 11 recorded as Ever 6 FSM	£935
Looked-after children (LAC) defined in the Children Act 1989 as one who is in the care of, or provided with accommodation by, an English LA	£2,300
Children who have ceased to be looked after by a local authority in England and Wales because of adoption, a special guardianship order, a child arrangements order or a residence order	£2,300
Pupils in year groups reception to year 11 recorded as Ever 6 service child or in receipt of a child pension from the Ministry of Defence	£300

Universal Infants Free School Meals (UIFSM)

33. It is anticipated that the grant for universal infant free school meals (UIFSM) will continue at a meal rate of £2.30 for the 2018 to 2019 academic year although no further details have been announced to date.

Year 7 Catch Up

34. There have been no announcements in respect of these beyond the 2017 to 2018 academic year.

Primary PE and Sports Premium

35. There have been no announcements in respect of these beyond the 2017 to 2018 academic year

Members' Allowances Scheme

1. This scheme shall have effect until 31st March 2019. It replaces all former schemes.

Basic Allowance

2. A basic allowance of £8,340 per annum shall be paid to each Councillor.

Special Responsibility Allowances and Mayoral Allowances

3.
 - (1) A special responsibility allowance shall be paid to those Councillors who have the special responsibilities in relation to the posts specified in Schedule 1 to this scheme. The amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
 - (2) An allowance of £10,475 per annum shall be paid to the Mayor and an allowance of £2,085 per annum shall be paid to the Deputy Mayor.
 - (3) No Member may receive special responsibility allowances in respect of more than one post. For the purposes of this paragraph, the mayoral allowances referred to in 3(2) above are considered to be special responsibility allowances.

Uprating the Basic and Special Responsibility Allowances

4. The basic allowance and special responsibility allowances may be uprated annually in line with an index approved by the London Councils Independent Panel. The index to be used will be the level of the Local Government Pay Settlement. When making the scheme for 2018/19, the indexing arrangements will be reviewed.

Travel and Subsistence Allowances

5. The reimbursement of travel and subsistence expenses incurred in respect of **approved duties** (as set out in Schedule 2) **undertaken outside the Borough boundaries** can be claimed by Members, co-optees to formal Council committees and Independent Members of the Governance, Audit, Risk Management and Standards Committee at the rates paid and on the conditions specified in the officer scheme for travel and subsistence allowances.

Carers' Allowance

6. (1) The allowance shall only be paid for attendance at approved duties as listed in Appendix A.
- (2) The maximum basic rate of pay is £2.90 per half hour for the duration of the meeting together with the Member's travel time between home and the place of the meeting and the carer's reasonable travelling time.
- (3) The allowance is claimable in respect of children aged 15 or under or where a professional carer is required to meet a specialist need (eg a nurse for an elderly person).
- (4) Actual costs will be paid on production of an invoice or receipt.
- (5) Where the length of the meeting cannot be predicted and payment to the carer is necessarily contractually committed then a payment of up to 4 hours will be made. (For day time quasi-judicial meetings, payment of up to 8 hours may be made if the estimated length of the meeting is for the whole day).
- (6) In addition, the reasonable travelling expenses of the person taking care of the dependent shall be reimbursed either at the appropriate public transport rate, or in cases of urgency or where no public transport is available, the amount of any taxi fare actually paid.
- (7) The allowance is not to be paid where the carer is a member of the Member's household.
- (8) Any dispute as to the entitlement and any allegation of abuse should be referred to the Governance, Audit, Risk Management and Standards Committee for adjudication.

Co-optees' Allowance

7. A basic allowance of £445 per annum shall be paid to co-optees to formal Council Committees and Independent Members of the Governance, Audit, Risk Management and Standards Committee.

Sickness, maternity and paternity leave

- 8.1 All Members shall continue to receive their Basic Allowance in full in the case of pregnancy, maternity, paternity and sickness leave.
- 8.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of pregnancy, maternity, paternity and sickness leave in the same way that the Council's employees receive such benefits.
- 8.3 Where a Member's pregnancy renders her unable to attend a meeting of the Council for a period of 6 months, a dispensation will be granted in accordance with Section 85 Local Government Act 1972.
- 8.4 If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of party group position, the party group) the replacement will be entitled to claim an SRA.

Claims and Payments

9. (1) A claim for allowances or expenses under this scheme shall be made in writing within two months of the date of undertaking the duty in respect of which the entitlement to the allowance or expense relates.
- (2) Payment shall be made
 - (a) in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme each month;
 - (b) in respect of out-borough travel and subsistence expenses and Carers' Allowance, each month in respect of claims received up to one month before that date.

Backdating

10. Any changes made to this scheme during the year may be backdated to 1st April 2018 by resolution of the Council when approving the amendment.

Pensions

11. Allowances paid under the Harrow Members' Allowances Scheme will **not** be pensionable for the purposes of the Superannuation Act.

Renunciation

12. A person may, by notice in writing given to the Director of Legal and Governance Services, elect to forgo any part of his/her entitlement to an allowance under this scheme.

Appendix A

Approved duties for Carers' Allowance

- ◆ A meeting of the Executive.
- ◆ A meeting of a committee of the Executive.
- ◆ A meeting of the Authority.
- ◆ A meeting of a Committee or Sub-Committee of the Authority.
- ◆ A meeting of some other body to which the Authority make appointments or nominations.
- ◆ A meeting of a committee or sub-committee of a body to which the Authority make appointments or nominations.
- ◆ A meeting which has both been authorised by the Authority, a committee, or sub-committee of the Authority or a joint committee of the Authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the Authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups).
- ◆ A meeting of a Local Authority association of which the Authority is a member.
- ◆ Duties undertaken on behalf of the Authority in pursuance of any Procedural Rule of the Constitution requiring a member or members to be present while tender documents are opened.
- ◆ Duties undertaken on behalf of the Authority in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- ◆ Duties undertaken on behalf of the Authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

Schedule 1

Special Responsibility Allowances (SRAs)

There are 6 bands of SRAs:

Band	Post	SRA - £/annum
1	Chief Whips of the two largest Groups Performance Lead Members for Scrutiny Policy Lead Members for Scrutiny Chair of Licensing and General Purposes Committee Portfolio Holder Assistants	£2,100
2	Nominated Member of the party not holding the Chair of the Planning Committee Chair of the Traffic Advisory Panel Chair of Governance, Audit, Risk Management and Standards Committee Chair of the Pension Fund Committee Chair of the Performance and Finance Scrutiny Sub Chair of the Health and Social Care Scrutiny Sub Nominated Member of the largest party not holding the Chair of the Performance and Finance Scrutiny Sub	£4,700
3	Nominated Member of the largest party not holding the Chair of the Overview and Scrutiny Committee Non Executive Members of Cabinet	£6,780
4	Chair of the Overview and Scrutiny Committee Leader of the Second Largest Group	£8,860
5	Cabinet Members	£20,100
6	Leader of the Council	£31,400

NOTE

The Groups are as follows:-

Largest Group = Labour Group

Minority Group = Conservative Group

Schedule 2

Claims for Out-Of-Borough Travel and Subsistence Expenses

Duties Undertaken Out-of-Borough

Claims for travel and subsistence expenses incurred can normally only be paid in respect of approved duties undertaken at venues out of the Borough. Expenses will be reimbursed at the rates paid and on the conditions specified in the officer scheme for travel and subsistence allowances.

1. Members may claim travel and subsistence expenses in respect of the following **out-of-Borough** duties:-
 - (a) Attendance at any meeting which may be convened by the Authority provided that Members of at least two groups are invited and the meeting is not convened by officers.
 - (b) Attendance at a meeting of an outside body to which the Member has been appointed or nominated as a representative of the Council, where the Outside Body does not itself operate a scheme to reimburse travel and subsistence expenses.
 - (c)
 - (i) attendance at an appropriate out-of-Borough conference, seminar, meeting or other appropriate non-political event as a representative of an Outside Body to which that Member has been either nominated or appointed by Council to serve in a role with a specific pan-Authority remit;
 - (ii) attendance at meetings in the capacity of a direct appointee of a Local Authority Association, joint or statutory body or other London-wide or national body subject to the following proviso:

that the Member serves on the appointing body by virtue of an appointment made by Council to an authorised Outside Body;

subject in either case to the Outside Body/Bodies concerned themselves not making provision for any travel and subsistence expenses necessarily incurred.
 - (d) Attendance at a meeting of any association of local authorities of which the Authority is a member and to which the Member has been appointed as a representative.

- (e) Attendance at a training session, conference, seminar or other non-political event, the attendance fees for which are being funded by the Council through a Departmental or a corporate budget.
 - (f) Attendance at any training session, conference, seminar or other non-political event for which there is either no attendance fee or any attendance fee is being met by the Member him/herself (or from the relevant political group secretariat budget) subject to the relevant Director confirming that the content of the training, conference, seminar or event is relevant to the Member's responsibilities in respect of the services provided by the Authority or to the management of the Authority.
2. Duties for which out-of-Borough travel and subsistence expenses may not be claimed include:-
- (a) Political meetings or events.
 - (b) Any meetings of 'Outside Bodies' to which the Member has not been appointed or nominated by the Council as its representative.
 - (c) Meetings of the Governing Bodies of Schools.

HARROW COUNCIL PAY POLICY STATEMENT 2018/19

Harrow Council supports openness and accountability and is pleased to publish its Pay Policy Statement for 2018/19. In compliance with the Localism Act 2011 this statement outlines the Council's policy on pay and benefits for Council employees (excluding Schools)¹ and specifically for its senior management for 2018/19.

Update January 2018:

The pay policy statement for 2018/19 was agreed by Cabinet in February 2018. The changes reflected in this 2018/19 pay policy statement are listed below:

- The London Living Wage has increased to £10.20ph and will be implemented in April 2018
- The number of directly employed staff living within a Harrow postcode is 41%.
- Harrow Council Staff awards were re-launched in December 2016, details provided
- Update to links embedded in the document to further information

Context

The Council's vision is: 'Working Together to Make a Difference for Harrow' and the Workforce Strategy is focused on supporting delivery of the Council's vision and priorities by ensuring an efficient and effective organisation. To achieve this we need a commercially minded and agile workforce delivering higher productivity and increased performance at a lower cost base.

This Organisational Development (OD) Strategy and programme is designed to accelerate the organisational change needed to deliver our ambition by delivering culture and behaviour change programmes, engaging colleagues and developing leaders. It will also help drive up workforce performance and productivity.

We want to be a modern and efficient Council, able to meet the challenges ahead. In order to help protect frontline services we will continue to deliver support functions in the most cost effective way, improving working between services within the Council and continuing to collaborate with regional bodies and other local authorities on shared services and procurement opportunities. We will protect people and Council assets from risks and retain our customer services in Harrow where possible, modernising and simplifying the access channels to the Council, making more services available online and therefore accessible on a more '24/7' basis.

Our Workforce Strategy reflects that the Council of the future may be very different and having the right people *engaged* with the Council will be vital for our future success. We already compete for people across London and this will increase as the needs of the organisation change and the search for talent in local government increases.

We will establish the people we want, the skills they need and the performance we require and develop recruitment and retention packages that maximise our employment offer. Our Pay Policy supports this by ensuring that fair and transparent processes are in place to determine the grading and pay for all jobs and that remuneration packages enable the attraction and retention of people with the skills we need. We will also look to create opportunities for staff to benefit through organisational change.

¹ The Pay Accountability provisions of the Localism Act 2011 do not apply to staff employed in Schools

As a Council we are committed to ensuring equality and diversity is integral to everything we do so our Pay Policy seeks to reduce income inequality and ensure that the pay, terms and conditions of Council employees comply with the Council's duties under the Equality Act. The Council recognises that a significant proportion of our workforce lives locally² and that therefore our Pay Policy helps support a strong local economy.

Modernising Terms & Conditions Review 2011/12

In 2011/12 the Council undertook a review of pay and terms and conditions for employees and in 2012 the Council reached a collective agreement with the relevant recognised trade unions, which established new pay and terms and conditions for all employees covered by this Pay Policy, including those of senior management, from January 2013.

The collective agreement is published at:

http://www.harrow.gov.uk/downloads/file/5879/collective_agreement

The changes introduced through the collective agreement were in accordance with the Council's Pay Policy Statement 2012/13 and include the following key provisions:

- 2.5% pay cut for the Chief Executive and Corporate Directors
- 1% pay cut for staff earning £21,375 and above
- Revised grading structure so that the Council's lowest paid employees are paid not less than the London Living Wage.
- A scheme making incremental pay progression subject to satisfactory performance
- No enhancements for overtime or weekend working except for Bank Holidays and night work
- Reduced redundancy compensation payments
- Improved salary sacrifice schemes and other employee benefits

Council Pay Rates / Scales

The Council considers it important to be able to locally determine pay rates. This enables it to respond to regional and local labour market conditions. The Council benchmarks its pay rates with other London Boroughs to ensure that it is able to recruit and retain qualified and competent employees.

The Council's pay scales were revised by the Council in January 2013 and they are subject to any pay awards agreed through the relevant national and regional negotiating bodies. A provisional pay settlement has been agreed on the 2017 figures. The final figures will be updated once the pay settlement for April 2018 has been finalised. The pay scales will be revised and are published at:

http://www.harrow.gov.uk/download/downloads/id/9354/salary_scales_april_2016

Remuneration of Senior Management (Chief Officers)

The Council defines its senior management as the top 3 tiers in the management structure commencing with the Chief Executive (Tier 1), Corporate Directors (Tier 2) and Directors (Tier 3), this includes all statutory and non-statutory Chief Officer and Deputy Chief Officer posts.

The senior management structure is published at:

² Circa 41% of employees have a permanent address with a Harrow postcode according to data held on personal employee files on SAP payroll system

http://www.harrow.gov.uk/download/downloads/id/9355/senior_management_structure

Senior management pay is published at: [Senior manager salaries - Further info | Harrow Council](#)

The Council's policy is to optimise the senior management pay bill. The pay rates and numbers of senior managers reduced in 2012/13 and following the Council's decision to reinstate the post of Chief Executive in 2014, an appointment was made on a salary less than the previous Chief Executive received. The new Chief Executive undertook a review of the Council's senior management structure in 2015 and implemented a revised senior management structure, reducing further the numbers of senior managers and the senior management pay bill.

The Council may, in exceptional circumstances, employ senior managers under contracts for services. The Council publishes details of all payments made under contracts for services in excess of £500 at:

http://www.harrow.gov.uk/info/100004/council_and_democracy/555/council_spending

Remuneration of Lowest Paid Employees

The Council defines its lowest paid employees as those paid at the lowest pay spine column point on the lowest Harrow pay grade, excluding trainees and apprentices. The Council's lowest paid employees are paid not less than the London Living Wage.

Pay Multiple

The 'pay multiple' is the ratio between the highest paid employee's pay and the median average pay of the Council's workforce. The Council's highest paid post is the Chief Executive and the pay multiple is published at:

http://www.harrow.gov.uk/info/200031/data_protection_and_freedom_of_information_foi/1216/local_authorities_data_transparency

Pay Grading

In 2004 the Council entered into a single status agreement with its recognised trade union, introducing common job evaluation schemes³ and pay scales for the Council's former manual workers, administrative, professional, technical and clerical employees with the exception of Education Psychologists, Nursery Nurses, Youth & Community Workers, Chief Officers and the Chief Executive.

In 2007 job evaluation was extended to include Chief Officers.

From April 2013 the Council took over specific public health functions from the NHS and staff whom transferred from the NHS to the Council remain on NHS grades and pay scales. New posts are being recruited to on the local government grades and pay scales.

³ The Greater London Provincial Council (GLPC) Scheme is used for all Harrow grade jobs and the Hay Scheme for senior professional and managerial jobs.

Pay on Appointment

All employees, including Chief Officers are normally appointed on the lowest pay spine column point for their job evaluated grade. In exceptional circumstances employees may be appointed at a higher point within the evaluated grade.

The Council delegates authority to the Chief Officers' Employment Panel to make recommendations to Council on the appointment of the Head of Paid Service and make appointments of Chief Officers in accordance with the Council's Pay Policy.

The Council's delegations to the Chief Officers' Employment Panel also include, determination of any remuneration package of £100,000 or greater. Remuneration packages of £100,000 or greater are also reported to full Council.

Pay Progression

All employees are able to incrementally progress through the pay spine column points for their job evaluated grade.

Progression will normally be one increment (pay spine column point) on the 1st of April each year until they reach the top of their grade.

Progression for Chief Officers is subject to the following qualifications:

- i. increments may be accelerated within a Chief Officer's scale at the discretion of the council on the grounds of special merit or ability.
- ii. an increment may be withheld following an adverse report on a Chief Officer (subject to that Chief Officer's right of appeal). Any increment withheld may be paid subsequently if the Chief Officer's services become satisfactory.

The criteria for pay progression for other staff were changed as a result of the modernising review so that progression for all staff is now subject to satisfactory performance.

Performance Related Pay

Council employees including the Chief Executive and Chief Officers do not currently receive performance related payments or bonuses. However, the Council recognises that this may need to change to reflect the need for a more commercially minded and agile workforce delivering higher productivity and increased performance. The Council will therefore keep under review the option to introduce performance related pay for individuals and /or groups of employees.

The Council operates a Reward and Recognition Scheme for employees who, subject to meeting the criteria of the scheme, may receive payments of £250 or £500. Details of Reward and Recognition payments to senior management are published at:

[Senior manager salaries - Further info | Harrow Council](#)

In December 2016 the Council relaunched the staff awards to celebrate the successes of our workforce. The scheme allows staff to celebrate their colleagues, nominating them for recognition against our strategic ambition plan and our values. The nominations went to a judging panel consisting of staff, the staff Making A Difference Group, managers and a corporate director. Representatives were from across the organisation. The winners were awarded with a £250 payment, all of which were funded from donations of our partner organisations.

National / Regional Pay Agreements

The Council supports the national (JNC/NJC⁴ and Soulbury) and regional (GLPC) collective bargaining arrangements for pay and conditions of service and the pay scales for all employees, including the Chief Executive and Chief Officers, are increased in line with national and regional pay agreements. Some conditions of service are negotiated locally.

The last pay agreement increasing pay scales for the Chief Executive and Chief Officers was implemented in April 2017; an increase of 1% was awarded.

The most recent pay agreement increasing pay scales for other non-teaching employees was implemented in April 2017; an increase of 1% was awarded.

Market Supplements

The Council may apply market supplement payments to jobs with recruitment or retention difficulties. Details of market supplement payments to senior management are published at: [Senior manager salaries - Further info | Harrow Council](#)

Fees for Election Duties

The Council's policy for payment of fees for election duties is published at: http://www.harrow.gov.uk/info/687/election_information/689/election_fees_and_charges

Details of fees for election duties paid to senior management are published at: [Senior manager salaries - Further info | Harrow Council](#)

Other Payments

The Head of Paid Service may authorise other payments as necessary, in accordance with the Council's delegations.

Details of any other payments to senior management are published at: [Senior manager salaries - Further info | Harrow Council](#)

Pension

All employees are auto enrolled into the Local Government Pension Scheme and employees who remain in the Scheme receive benefits in accordance with the provisions of that Scheme as applied by the Council. Details of the Council's policy and decisions in respect of discretionary elements of the Scheme are published at:

http://www.harrow.gov.uk/download/downloads/id/5338/discretionary_policy_statement-pensions_2014 and

[http://www.harrow.gov.uk/download/downloads/id/7063/pension_fund_final_account_2014 - 2015](http://www.harrow.gov.uk/download/downloads/id/7063/pension_fund_final_account_2014_-_2015)

From April 2013 the Council took over specific public health functions from the NHS and staff who transferred from the NHS to the Council and were members of the NHS Pension Scheme continue to be members of that Scheme and receive benefits in accordance with the provisions of that Scheme.

⁴ Joint Negotiating Committee / National Joint Council

Other Terms and Conditions of Employment

The pay, terms and conditions of council employees are set out in employee handbooks. Handbooks are produced for all employees, including managers and senior professionals, Chief Officers and the Chief Executive and the latest editions are published at:

http://www.harrow.gov.uk/downloads/download/1016/employee_handbooks

Payments on Termination of Employment

In the event that the Council terminates the employment of an employee, including a Chief Officer, on the grounds of redundancy or efficiency of the service they will be entitled to receive compensation and benefits in accordance with the Council's Redundancy and Early Retirement schemes, which are published at:

http://www.harrow.gov.uk/downloads/download/1016/employee_handbooks and
http://www.harrow.gov.uk/download/downloads/id/5338/discretionary_policy_statement-pensions_2014

The Council's Redundancy scheme was changed as a result of the modernising review and compensation payments to employees reduced in 2014 and 2015.

The Council's delegations to the Chief Officers' Employment Panel, include determination of any payments on termination of £100,000 or greater.

Details of compensation payments paid to senior management are published at:

[Senior manager salaries - Further info | Harrow Council](#)

Further information on the scheme is published here

http://www.harrow.gov.uk/downloads/file/5881/red_payments_agreed

Severance payments of £100,000 or greater are also reported to full Council.

Re-employment of Employees

Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.

Further Information

For further information on the Council's pay policy please contact the Council's Human Resources & Organisational Development Service by email to HR

INTRODUCTION

In the Spending Review 2015, it was announced that to support local authorities to deliver more efficient and sustainable services, the government will allow local authorities to spend up to 100% of their fixed asset receipts on the revenue costs of reform projects. This flexibility was initially being offered to the sector for the three financial years 2016/17 to 2018/19, but this has now been extended for a further 3 years as part of the provisional settlement announced on 19th December. Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners.

Local authorities are given the power to use capital receipts from the disposal of property, plant and equipment assets received in the years in which this flexibility is offered, to spend up to 100% of their fixed asset receipts (excluding Right to Buy receipts) on the revenue costs of reform projects. Local Authorities may not use their existing stock of capital receipts to finance the revenue costs of reform.

The key criteria to use when deciding whether expenditure can be funded by the capital receipts flexibility is that it is forecast to generate ongoing savings to an authorities', or several authorities, and/or to another public sector body's net service expenditure.

Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners.

EXAMPLES OF QUALIFYING PROJECTS

There are a wide range of projects that could generate qualifying expenditure and the list below is not prescriptive. Examples of projects include:

- Sharing back-office and administrative services with one or more other council or public sector bodies;
- Investment in service reform feasibility work, e.g. setting up pilot schemes;
- Funding the cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation;
- Driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;
- Improving systems and processes to tackle fraud and corruption in line with the Local Government Fraud and Corruption Strategy – this could include an element of staff training;
- Setting up commercial or alternative delivery models to deliver services more efficiently and bring in revenue (for example, through selling services to others); and

RULES OF QUALIFICATION

Local authorities cannot borrow to finance the revenue costs of service reform.

For any financial year the Strategy (“the initial Strategy”) should be prepared before the start of the year.

The authority should prepare an annual strategy that includes separate disclosure of the individual projects that will be funded or part funded through capital receipts flexibility and that the strategy is approved by full Council or the equivalent.

Set up and implementation costs of any new processes or arrangements can be classified as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.

All services must ensure that they have adequate available resources to maintain the ongoing revenue requirement for all capital projects.

Where possible, the Council will be looking to fund the revenue costs from within revenue resources and therefore the use of capital receipts will only be utilised where all other funding streams have been exhausted.

STRATEGY FOR USE OF FUNDS

Where the Council is looking to capitalise pump priming costs, additional surplus assets may be identified and sold.

The council will have due regard to the requirements to the Prudential Code and the impact on the prudential indicators. Capital receipts from the sale of assets are not built into the Council's current capital programme and so the utilisation of receipts for capital receipts flexibility will not have a detrimental impact on the Council's prudential indicators, as set out in the Council's Treasury Management Strategy.

All schemes which are eventually deemed to qualify under this programme would have the required costs funded through capital receipts rather than revenue funding streams.

Approval of projects and allocation of funds arising from the use of flexible capital receipts will be at the discretion of the Section 151 Officer.

Any revenue expenditure, which falls within the criteria, for savings detailed in Appendices 1A and 1B of the Final Revenue Budget 2018/19 and Medium Term Financial Strategy 2018/19 to 2020/21, will be considered for treatment under the capital flexibilities. The 2018/19 Budget assumes capital flexibilities of £2.7m.

**COUNCIL
22 FEBRUARY 2018**

**CABINET
RECOMMENDATION
(15 FEBRUARY 2018)**

RECOMMENDATION I

**TREASURY MANAGEMENT STRATEGY
STATEMENT INCLUDING
PRUDENTIAL INDICATORS,
MINIMUM REVENUE PROVISION
POLICY STATEMENT AND ANNUAL
INVESTMENT STRATEGY FOR
2018/19**

CABINET

15 FEBRUARY 2018

Record of decisions taken at the meeting held on Thursday 15 February 2018.

Present:

Chair: * Councillor Sachin Shah

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Mrs Christine Robson
* Glen Hearnden	* Adam Swersky
* Graham Henson	

In attendance:

Richard Almond	Minute 668
Marilyn Ashton	Minute 668
Barry Macleod-Cullinane	Minute 668
Chris Mote	Minute 668
Janet Mote	Minute 668
Paul Osborn	Minute 668

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

675. Treasury Management Strategy Statement including Prudential Indicators, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2018/19

Resolved to RECOMMEND: (to Council)

That the Treasury Management Strategy (TMS) Statement for 2018/19 be approved, including the:

- Prudential Indicators for 2018/19

- Minimum Revenue Provision Policy Statement for 2018/19
- Annual Investment Strategy for 2018/19
- Increase in investments held over 365 days, paragraph 83 of the report refers.

Reason for Decision: To ensure/promote effective financial management and comply with the Local Authorities (Capital Finance and Accounting) Regulations 2003 and other relevant guidance.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

[Call-in does not apply as the decision is reserved to Council.]

**COUNCIL
22 FEBRUARY 2018**

**CABINET
RECOMMENDATION
(15 FEBRUARY 2018)**

RECOMMENDATION I

**FINAL CAPITAL PROGRAMME
2018/19 TO 2020/21**

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CABINET

15 FEBRUARY 2018

Record of decisions taken at the meeting held on Thursday 15 February 2018.

Present:

Chair: * Councillor Sachin Shah

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Mrs Christine Robson
* Glen Hearnden	* Adam Swersky
* Graham Henson	

In attendance:

Richard Almond	Minute 668
Marilyn Ashton	Minute 668
Barry Macleod-Cullinane	Minute 668
Chris Mote	Minute 668
Janet Mote	Minute 668
Paul Osborn	Minute 668

* Denotes Member present
† Denotes apologies received

RECOMMENDED ITEMS

674. Final Capital Programme 2018/19 to 2020/21

Having considered the confidential appendix, it was

Resolved to RECOMMEND: (to Council)

That the Capital Programme, as detailed in appendix 1 to the report, be approved.

Reason for Decision: To enable the Council to have an approved Capital Programme for the period 2018/19 to 2020/21.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

[Call-in does not apply as the decision is reserved to Council.]

Capital Programme 2018/19 to 2020/21

Appendix 1

Project Title	2018/19			2019/20			2020/21			TOTAL		
	Gross Value £000	External Funding £000	Net Value £000	Gross Value £000	External Funding £000	Net Value £000	Gross Value £000	External Funding £000	Net Value £000	Gross Bid Value	External Funding £000	Net Bid Value
Resources and Commercial Directorate												
Ongoing refresh & enhancement of ICT 'Replacement, upgrades and enhancements to applications, infrastructure and end user devices, not included within the agreed supplier service charges or transformation programme	3,000		3,000	5,000		5,000			0	8,000	0	8,000
Transition and Transformation - Sopra Steria	38		38			0			0	38	0	38
Sub Total Transformation & Technology	3,038		3,038	5,000		5,000			0	8,038	0	8,038
IT Infrastructure refresh - Essential refresh of the IT infrastructure to enable continued operation of Council services.							3,000	0	3,000	3,000	0	3,000
Devolved Applications Refresh -In order to maintain external compliance and to support the deployment of new applications a roadmap has been agreed with Sopra Steria to keep the IT infrastructure up to date. This will result in the need to upgrade line of business applications (owned by the services) in order for them to remain compatible and maintain external compliance.	700		700	700		700	1,700	0	1,700	3,100	0	3,100
Total Resources and Commercial Directorate	3,738	0	3,738	5,700	0	5,700	4,700	0	4,700	14,138	0	14,138
People's Directorate												
Adults												
Reform of Social Care Funding The second phase of the Care Act in relation to the Care Accounts has been delayed until 2020. The originally approved funding is therefore pushed back to 2019/20 pending further guidance on next steps. The funding will be used to support the implementation, including building new information system(s) to support the requirements including self-assessment tools.	0	0	0	250	0	250			0	250	0	250
Project Infinity Placeholder for potential capital funding to enable further commercialisation of My Community e Purse (MCeP – self directed care) and for Our Community e Purse (OCeP – self funded care) with the expectation (subject to development of further business cases) that investment and continued partnership working with IBM will support the delivery of a revenue income stream, enabling MTFS savings to be reinstated.	100	0	100		0	0			0	100	0	100
In-House Residential Establishments Investment to maintain the infrastructure of the Council's internal residential and day care facilities. Requirement ceases post 2018/19 linking to revenue MTFS service reprovision proposals	100	0	100	200	0	200			0	300	0	300
Total Adults	200	0	200	450	0	450	0	0	0	650	0	650

Schools												
SEN Expansion There is pressure for special educational needs (SEN) provision places, which will be alleviated in the medium term as additional places will become available from 2015 following successful TBNP applications in accordance with Harrow's Special Schools and SEN Placement Planning Framework. However, in light of the projections and in light of the Government's Special Educational Needs and Disability reform agenda, consideration needs to be given to the next phase of expansion. A time limited task and finish group has been established, which will drive forward work on producing a refresh of the Harrow SEN strategy.	2,520	2,520	0	0	0	0		0	2,520	2,520	0	
Bulge Classes The pupil numbers in Harrow have risen rapidly in recent year, particularly at primary intake level. This has given rise to the School Expansion Programme which is covered in other bids. However, until permanently expanded schools are available, the short term measure has been to provide 'bulge classes' in multiple schools across the borough. These are where an additional form of entry are placed in a particular year which then passes through the school without being followed by additional classes.	150		150	150		150		0	300	0	300	
Children's Capital Maintenance Programme Proactive and reactive programme of maintenance across the schools estate	1,350		1,350	1,350		1,350		0	2,700	0	2,700	
Capital Maintenance funding estimate 2018-19 'Estimated allocation for Capital Maintenance to contribute to schools capital programme for 2018-19		2,000	-2,000			0		0	0	2,000	-2,000	
Secondary Expansion The growth in demand for primary places will progress to secondary schools and it is projected that there will be a shortfall of Year 7 places from 2018. Additional capacity has been secured through the expansion of two schools, Bentley Wood and Whitefriars and the permanent location of Avanti House will contribute to an overall increase in places. In addition, a further 6 forms of entry has been secured through the successful free school bid opening on the Heathfield School site. However, there will still be a shortfall of places from September 2020 rising to approx. 13 forms of entry in September 2023.	3,650		3,650	5,250	2,625	2,625		0	8,900	2,625	6,275	
Total Schools	7,670	4,520	3,150	6,750	2,625	4,125	0	0	0	14,420	7,145	7,275
Total People's Directorate	7,870	4,520	3,350	7,200	2,625	4,575	0	0	0	15,070	7,145	7,925
Community Directorate												
Environmental Services												
Flood Defence Renewal of ageing drainage infrastructure to reduce the risk of flooding impact on residents, properties and business continuity.	300		300	300		300	300		300	900	0	900

Waste & Recycling Replacement of aged, damaged and/or lost wheeled bins, as well as bins provision for new residential developments within the borough. On-going improvement works at CA site.	150		150	150		150	150	0	150	450	0	450
Highway Programme Renewal and replacement of highways and footways.	7,100	2,400	4,700	3,300		3,300	5,000	0	5,000	15,400	2,400	13,000
Highway Drainage Improvements to critical drainage areas identified in Surface Water Management Plan as required by The Flood & Water Management Act 2010.	200		200	200		200	200		200	600	0	600
Local Implementation Plan (LIP) including CPZ schemes Implementation of the Mayor of London's Transport Strategy as well as Harrow's Transport Local Implementation Plan & parking management programmes.	1,300	1,000	300	1,300	1,000	300	1,300	1,000	300	3,900	3,000	900
Parks Infrastructure Prioritise parks infrastructure which are most in need of repair in order to provide safe access and use of facilities for all.	506		506	506		506	675	0	675	1,687	0	1,687
Street Lighting Replacement of aged and dangerous lighting columns as well as investment in new lighting to support Climate Change strategy and to provide variable lighting solutions.	1,500		1,500	1,000		1,000	1,500		1,500	4,000	0	4,000
Corporate Accommodation Improvements to corporate buildings to provide a safe and secure environment in which to operate its business.	155		155	55		55	255	0	255	465	0	465
High Priority Planned Maintenance Improvements to corporate properties (excluding schools) to ensure that they are in a safe condition for occupants.	600		600	600		600	500	0	500	1,700	0	1,700
Carbon Reduction Provision of retro-fit energy efficiency measures in corporate buildings.	100		100	100		100	50	0	50	250	0	250
Replacement of Parks litter bins	49		49	0		0			0	49	0	49
Green Grid Programme Improvements to Harrow's green infrastructure to provide a network of interlinked and multifunctional open spaces.	150	0	150	150	0	150	150	0	150	450	0	450
Harrow on the Hill Station Improvements to the station and surrounding area to create step free access	3,000	0	3,000			0			0	3,000	0	3,000
Green Gym / Play Equipment Installation of outdoor gym equipment within parks to promote health and well being.	38		38	38		38			0	75	0	75
CCTV Cameras and equipment at depot Installation of parking enforcement cameras at certain locations where it is permissible to capture contraventions by cameras following Deregulation Bill. Upgrade of CCTV equipment and facilities at the depot.	150		150	50		50	50		50	250	0	250
CCTV Infrastructure - this project is to upgrade the borough's CCTV infrastructure. The current infrastructure has been in place since 2001.	800		800	800		800	0		0	1,600	0	1,600

Better Care Fund - Disabled Facilities Grant - Grants to fund adaptations to private properties to help enable residents to remain in their existing homes	1,500	650	850	1,500	650	850	1,500	650	850	4,500	1,950	2,550
Improvement Grants - Grants to private landlords to improve the condition of their properties, generally in exchange for a lease agreement	52		52	52		52	70		70	174	0	174
Empty Properties Grants - Grants to help bring empty properties back into use, generally in exchange for nomination rights for a period of time	187		187	187		187	450		450	824	0	824
Better Care Fund - Disabled Facilities Grant - Grants to fund adaptations to private properties to help enable residents to remain in their existing homes - Includes assumed use of additional DFG grant to fund additional works - no net cost to the Council as additional works grant funded. Linked to income generation proposal for Home Improvement Agency.	530	530	0	530	530	0	530	530	0	1,590	1,590	0
Empty Property Initiative - to bring empty/vacant property into use which may require Compulsory Purchase Order. The intention being to purchase property and then re-sell.	746		746			0			0	746	0	746
New Bid - Extension to Property Purchase Initiative - funding for the purchase of an additional 50 properties on the open market for the council to use as Temporary accommodation; providing good quality temporary accommodation and reducing the overall net cost to the Council of B & B accommodation	6,000		6,000			0			0	6,000	0	6,000
Total Housing General Fund	9,015	1,180	7,835	2,269	1,180	1,089	2,550	1,180	1,370	13,834	3,540	10,294
Total Community Directorate	41,822	5,559	36,263	28,160	3,902	24,258	14,373	2,240	12,133	84,354	11,701	72,653
Regeneration												
Regeneration programme - feasibility work to develop options for taking forward regeneration sites.	250		250			0			0	250	0	250
Regeneration Programme approved Feb2017	197,620		197,620	81,638		81,638			0	279,258	0	279,258
Amendments to Regeneration Programme to be approved February 2018 Cabinet	-126,874		-126,874	80,482		80,482	35,534		35,534	-10,858		-10,858
Lyon Road Pop Up Restaurant and Square (GLA and S106 funded) - this project is to transform an existing car park in Harrow Town Centre into a multi-function public space, improving the general environment for pedestrians and providing the opportunity for markets, particularly food markets. Any design for the new public space will look to maintain car parking spaces as part of the shared design space.	84	84	0	726	726	0	201	201	0	1,010	1,010	0
Mobile technology in Community Learning - GLA and Skill Funding Agency are funding the purchase of IT equipments to support the delivery of community learning and skills focused education.	20	20	0	0	0	0	0	0	0	20	20	0

Neighbourhood CIL Schemes - CIL receipts can be used to fund a wide range of infrastructure including transport, schools, health and social care facilities, libraries, play areas, green spaces and sports facilities.	800	800	0	0		0	0		0	800	800	0
Total Regeneration	71,900	904	70,996	162,846	726	162,120	35,735	201	35,534	270,480	1,830	268,650
Total General Fund	125,330	10,983	114,347	203,905	7,253	196,653	54,808	2,441	52,367	384,042	20,676	363,366
Housing Revenue Account												
Housing Revenue Account capital programme - Continued investment in the Council's existing housing stock, as well as the commencement of a programme of new build housing	2,739		2,739	19,883		19,883	13,836		13,836	36,458	0	36,458
Total HRA	2,739		2,739	19,883		19,883	13,836	0	13,836	36,458		36,458
Total General Fund + HRA	128,069	10,983	117,086	223,788	7,253	216,535	68,644	2,441	66,203	420,500	20,676	399,824

**COUNCIL
22 FEBRUARY 2018**

**CABINET
RECOMMENDATION
(15 FEBRUARY 2018)**

RECOMMENDATION I

**HOUSING REVENUE ACCOUNT
BUDGET 2018-19 AND MEDIUM
TERM FINANCIAL STRATEGY 2018-
19 TO 2020-21**

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CABINET

15 FEBRUARY 2018

Record of decisions taken at the meeting held on Thursday 15 February 2018.

Present:

Chair: * Councillor Sachin Shah

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	† Kiran Ramchandani
* Keith Ferry	* Mrs Christine Robson
* Glen Hearnden	* Adam Swersky
* Graham Henson	

In attendance:

Richard Almond	Minute 668
Marilyn Ashton	Minute 668
Barry Macleod-Cullinane	Minute 668
Chris Mote	Minute 668
Janet Mote	Minute 668
Paul Osborn	Minute 668

* Denotes Member present

† Denotes apologies received

RECOMMENDED ITEMS

673. Housing Revenue Account Budget 2018-19 and Medium Term Financial Strategy 2018-19 to 2020-21

Resolved to RECOMMEND: (to Council)

That

(1) the Housing Revenue Account (HRA) Budget for 2018-19 be approved;

- (2) the Housing Revenue Account (HRA) Capital Programme, as detailed in appendix 7 to the report, be approved.

RESOLVED: That

- (1) the proposed average rent for non-sheltered accommodation of £114.73 per week for 2018-19, representing a decrease of 1% in average rent from the 2017-18 figure, be approved;
- (2) the proposed average rent for sheltered accommodation of £94.54 per week for 2018-19, representing a decrease of 1% in average rent from the 2017-18 figure, be approved;
- (3) the overall average rent for entire stock of £112.38 per week for 2018-19, representing an overall decrease of 1%, be approved;
- (4) an average tenant service charge of £3.15 per week, an increase of 4%, as set out in appendix 2 to the report, be approved;
- (5) the proposed increases in facility charges, set out in appendix 4, and Community Centre hire charges, in appendix 6 to the report, be approved; as well as the maintenance of water charges at present rates, as set out in appendix 5 to the report;
- (6) the three year Capital Programme, set out in appendix 7 to the report, be approved, including an increase in the Homes-4-Harrow capital budget of £17,735,550 reflecting increased investment requirements for the Grange Farm Regeneration Scheme of £15,688,670 and Infill Scheme of £2,046,880;
- (7) the reductions in both revenue and capital expenditure, assumed to ensure the budget and Medium Term Financial Strategy (MTFS) produced a viable and sustainable Housing Revenue Account (HRA), in line with assumptions set out in the HRA Business Plan update report to 16 November 2017 Cabinet meeting, be noted;
- (8) the Risk Management implications which require prudent financial reserves given the absence of borrowing capacity and probability of sustained and significant reforms in the housing sector be noted.

Reason for Decision: To recommend the HRA budget for 2018-19 and MTFS.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

[Call-in does not apply to the decision reserved to Council and where the decision is noted.]

COUNCIL
22 FEBRUARY 2018

NON-EXECUTIVE FEES AND CHARGES FOR
2018-19

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REPORT FOR: Council

Date of Meeting:	22 nd February 2018
Subject:	Non-Executive fees and charges for 2018-19
Responsible Officer:	Tom Whiting – Chief Executive
Exempt:	No
Wards affected:	All Wards
Enclosures:	Appendix 1 - Fees and Charges 2018-19

Section 1 – Summary and Recommendations

This report sets out the proposed fees and charges for licences/applications for those matters listed in this report, and as set out in appendix 1.

Recommendations:

Council is requested to

1. Approve and set the fees and charges listed in Appendix 1 for the financial year 2018/19.
2. Delegate authority to the Director of Finance and relevant Corporate Director, following consultation with the relevant portfolio holders, the ability to amend fees and charges in year with the introduction of a discount rate for fees that are discretionary if there is a business need to do so.

Section 2 – Report

2.1 Background & Current Situation

The following fees & charges (amongst others) are covered in this report:

- Fees for applications for Special Treatment Licensing under the London Local Authorities Act 1991
- Fees for licence applications for Houses in Multiple Occupation and Selective Licensing under the Housing Act 2004
- Charges for notifications for Skip Licenses, Materials on Highway, Hoarding and scaffolding licences under the Highways Act 1980
- Fees for applications for Pet Shops, Animal Boarding/Breeding, Performing Animals and Horse Riding Establishments
- Fees for applications for Hypnotism, Sex Shops, Sexual Entertainment Venues, Poisons and Scrap Metal & Motor Salvage Operators licences.
- Street Trading Fees and charges
- Other non-executive fees covered by the Environment and Culture Division

The fees and charges in Appendix 1 were historically considered by the Licensing & General Purposes Committee, as the above relate to non-executive functions. As the Licensing & General Purposes Committee no longer has regular meetings, and usually only meets once annually to agree sub-committees, approval of these fees and charges rests with full Council.

2.1.1 Statutory Fees

The requirement or ability to levy a fee/charge for those items listed in Appendix 1 are provided for in statute, either being set down as a fixed amount (statutory prescribed) that the Council cannot vary/set, or by providing the authority with the power to set a fee/charge in accordance with the requirement of the legislation (eg. up to a maximum amount, or cost recovery only, or reasonable cost etc) (statutory discretionary). Fees noted in Appendix 1 as (statutory) prescribed are for noting only.

The majority of Licensing Act 2003 regime fees were originally set via the Licensing Act 2003 (Fees) Regulations 2005 and are prescribed. In a number of cases these fees do not reflect the actual cost of administering the regime but the Authority cannot change these.

The Gambling Act 2005 sets out maximum fees for gambling premises licenses and fees for permits, notifications and lotteries, and were set in 2007 when the Act came into effect. The authority can set its fees in accordance with these up to the maximum permitted level.

Section 32 of the London Local Authorities Act 1990 permits the council to charge fees and charges in respect of street trading licenses on a cost recovery basis. In respect of some offences relating to street trading, fixed penalty notices can be issued, and the penalty levels are agreed through London Councils.

2.1.2 European Services Directive

The European Union Services Directive (2006/123/EC), brought into effect in the UK by the Provision of Services Regulations 2009, requires that fees & charges set under an authorisation scheme have to be reasonable and proportionate to the cost of the procedures and formalities of it and should not exceed these costs.

Following a ruling by the European Court of Justice in the case of Hemming v Westminster City Council it is now clear that fees charged in accordance with a scheme that falls under the provisions of the Services Directive cannot at the outset cover more than just the cost of administering and processing the application (to grant a license for example). Whilst the cost of enforcing the regime can be recovered, this cannot be wrapped up into one fee at the outset. Therefore the fees and charges should be split into:

- a. The costs of the application process; and
- b. On the application being successful, a further fee to cover the costs of the management and enforcement of the licensing regime.

Previously, the Council would charge as one fee and refund the second part if the application is unsuccessful. This is no longer permitted, and the fees need to be split and the second charge only asked for on applications which are successful.

Therefore, a number of the fees and charges within Appendix 1 are now split into the administration and the management fee and the enforcement fee. It has led to a slight increase in fees as this ruling has led to additional administration costs to the Council, especially in the processing of two sets of fees for one license.

The fees have been split to reflect the costs for each aspect and the greater part of the overall fee is the spend on the administration of the application, which includes initial inspections in a lot of licensing regimes.

2.1.3 Discretionary Fees

It is recognised that discretionary fees are set at a level that ensures cost recovery, but must also not distract from the Councils goal to be more business friendly. Recent liaison with businesses and Councillors has shown areas that may benefit from a discount scheme

It is therefore proposed that any discount regime is approved by the Director of Finance and Corporate Director in agreement with the relevant Portfolio Holder. Such discount schemes if applied would be reported as part of future fees and charges reports to Council.

Benchmarking has taken place which has led to a number of fees being adjusted to reflect consistency with neighbouring Boroughs, including A Boards.

With statutory discretionary fees, these would always remain within the costing scope set out under legislation.

The main fundamental change is seen to sex entertainment establishments in line with recent challenges in Westminster to the costs of such licences. A lot of Councils have previously set the fee to be prohibitive to such establishments appearing. These fees have therefore been adjusted to justifiable levels based on the amount of activity required in the licensing scheme. This is aimed at preventing judicial challenge and being in line with legal requirements.

2.2 Main Options

Approve the recommended fees and charges

The fees and charges set out for approval have been reviewed and varied, where appropriate, to reflect the cost in administering the process. Their approval will therefore ensure recovery of costs.

Do not approve the recommended fees and charges

The Council needs to set its fees and charges for the forthcoming financial year and the proposed amounts stated in the Appendix are to ensure cost recovery as far as possible. This option is therefore not recommended.

2.3 Legal Implications

As noted earlier, a number of fees and charges are prescribed by statute (eg. Licensing Act 2003 (Fees) Regulations 2005), as a set amount (in which case it is noted as 'statutory prescribed' in the appendix). For other fees and charges the relevant legislation may provide that a charge can be made for providing the service but the amount of the charge is discretionary, within the remit of the legislation, often limited to cost recovery only, or a reasonable

amount, or within a range/maximum amount. The authority therefore sets the amount of the charge accordingly. These are noted as 'statutory discretionary' in the appendix.

Some of the regimes in the appendix are covered by the European Services Directive and the Provision of Services Regulations 2009, which implements the Directive. As noted earlier this requires that fees charged in relation to authorisations must be reasonable and proportionate to the cost of the process, and the European Court of Justice ruling in the Hemming v Westminster City Council case has confirmed that a fee covering the administration costs of processing an application should be charged separately from the charge (to successful applicants) for enforcing the regime. It is not possible to charge one fee at the outset and then refund unsuccessful applicants the enforcement part of the fee. The two must be charged separately.

The Local Authorities (Functions & Responsibilities) Regulations 2000 sets out what fees and charges cannot be set by the Executive (i.e. Cabinet) as the functions to which they relate are non-Executive functions. The fees and charges in Appendix 1 are those that Council should set, with the exception of those which are prescribed, and therefore for information only.

2.4 Financial Implications

The fees and charges for approval are set to recover total cost of administering the licensing functions as per legislation and guidance. Many of the charges are being increased by 5% (rounded up or down as appropriate). This takes account of the current level of inflation as measured by the Retail Price Index, which as at October 2017 is 4% and also provides for an element of movement towards full cost recovery.

2.5 Risk Management

Fees/charges need to be set correctly so as to comply with the requirements of the Provision of Services Regulations 2009, based on the EU Services Directive. Failure to do this could result in the Authority levying a fee that is subsequently considered to have been set unlawfully.

Reference to recent case law around fees and charges under the Provision of Services Regulations 2009, based on the EU Directive, is covered above and has been taken into account in the splitting of the fees and charges to ensure compliance.

2.6 Equalities Implications

Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other

- conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

An initial Equalities Impact Assessment (screening) has been conducted and has found no adverse impacts on any of the protected groups.

Fees and charges are kept under regular review to ensure that they are justifiable, fair and comparable with neighbouring Councils.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow.

The approval of fees and charges in Appendix 1 will ensure that the services can carry out the functions as set, ensuring a safe environment to those conducting, subject to or affected by a regime

Section 3 - Statutory Officer Clearance

Name: Sharon Daniels....	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 19 th February 2018		
Name: Harinder Dhaliwal.....	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 19 th February 2018		

Ward Councillors notified:	NO
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Section 4 - Contact Details and Background Papers

Contact: Richard LeBrun, Head of Service, (Community and Public Protection) Ext 6267

If appropriate, does the report include the following considerations?

1.	Consultation	No
2.	Priorities	Yes

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Community Fees & Charges

Appendix 2

Texts in *Italic* denote Statutory Fees

	Agreed charges 17/18			Administration	Management and Enforcement	Proposed charges 18/19			Authorisation	Management and Enforcement	% change	Legislation giving power to charge	Basis for charging	
	Basic	VAT	Total			Basic	VAT	Total						
	£	20% £	2017/18 £			£	20% £	2018/19 £						
21. Tables & Chairs on the Highway licence (please note planning permission is likely to be needed)														
Issue of licence (subject to successful application)	585		585	500	85	880	880	500	380	50%	LLA Act 1990	Discretionary	Non Executive Licensing - Council Approval Required	Changed to match street trading regime
Annual renewal of licence (subject to successful application)	293		293	209	84	880	880	500	380	200%		Discretionary		Changed to match street trading regime
55. Local Authority Pollution Control														
55a. Application Fee														
Standard Process	1,579		1,579			1,579	1,579			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Additional fee for operating without a permit	1,137		1,137			1,137	1,137			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
PVRI, SWOBs and Dry Cleaners Reduced Fee Activities	148		148			148	148			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
PVR I & II combined	246		246			246	246			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Other Reduced Fee Activities	346		346			346	346			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Reduced fee activities: Additional fee for operating without a permit	68		68			68	68			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant for the 1 st & 2 nd applications	1,579		1,579			1,579	1,579			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
For the 3 rd to 7 th applications	943		943			943	943			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
For the 8 th and subsequent applications	477		477			477	477			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Where an application for any of the above is for a combined Part B and waste application, add an extra £297 to the above amounts											Environmental Permitting (England and Wales) Regulations 2010(a)			
55b Annual Subsistence Charge														
Standard process Low	739		739			739	739			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Additional amounts charged where a permit is for a combined Part B and waste installation	99		99			99	99			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard process Medium	1,111		1,111			1,111	1,111			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Additional amounts charged where a permit is for a combined Part B and waste installation	149		149			149	149			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard process High	1,672		1,672			1,672	1,672			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Additional amounts charged where a permit is for a combined Part B and waste installation	198		198			198	198			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Reduced fee activities Low	76		76			76	76			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Reduced fee activities Med	151		151			151	151			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Reduced fee activities High	227		227			227	227			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
PVR I & II combined Low	108		108			108	108			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
PVR I & II combined Medium	216		216			216	216			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
PVR I & II combined High	326		326			326	326			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Other Reduced Fee Activities Low	218		218			218	218			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Other Reduced Fee Activities Medium	349		349			349	349			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Other Reduced Fee Activities High	524		524			524	524			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 1st & 2nd permits Low	618		618			618	618			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 1st & 2nd permits Medium	989		989			989	989			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 1st & 2nd permits High	1,484		1,484			1,484	1,484			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 3rd to 7th permits Low	368		368			368	368			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 3rd to 7th permits Medium	590		590			590	590			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 3rd to 7th permits High	884		884			884	884			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		
Standard Mobile Plant 8th and subsequent permits Low	189		189			189	189			0%	Environmental Permitting (England and Wales) Regulations 2010(a)	Stutory prescribed - for noting		

Community Fees & Charges

Appendix 2

Texts in *Italic* denote Statutory Fees

	Agreed charges 17/18			Administration	Management and Enforcement	Proposed charges 18/19			Authorisation	Management and Enforcement	% change	Legislation giving power to charge	Basis for charging
	Basic	VAT 20%	Total 2017/18			Basic	VAT 20%	Total 2018/19					
Standard Mobile Plant 8th and subsequent permits Medium	302		302			302		302			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Standard Mobile Plant 8th and subsequent permits High	453		453			453		453			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Late payment Fee	50		50			50		50			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Where a Part B installation is subject to reporting under the E-PRTR Regulation,													
55c Transfer and Surrender													
Standard process transfer	162		162			162		162			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Standard process partial transfer	476		476			476		476			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
New operator at low risk reduced fee activity (extra one-off subsistence charge)	75		75			75		75			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Reduced fee activities: partial transfer	45		45			45		45			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
55d Temporary Transfer for mobiles													
First transfer	51		51			51		51			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Repeat following enforcement or warning	51		51			51		51			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
55e Substantial Changes s10 & s11													
Standard Process	1,005		1,005			1,005		1,005			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Standard process where the substantial change results in a new PPC activity	1,579		1,579			1,579		1,579			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Reduced Fee Activities	98		98			98		98			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
55f LA-IPPC Fees & Charge (Local Authority Integrated Pollution, prevention and control.)													
Application	3,218		3,218			3,218		3,218			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Additional fee for operating without a permit	1,137		1,137			1,137		1,137			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Annual Subsistence Low Risk	1,384		1,384			1,384		1,384			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Annual Subsistence Medium Risk	1,541		1,541			1,541		1,541			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Annual Subsistence High Risk	2,233		2,233			2,233		2,233			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting
Substantial Variation	1,309		1,309			1,309		1,309			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Statutory prescribed - for noting

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	Agreed charges 17/18			Administration	Management and Enforcement	Proposed charges 18/19			Authorisation	Management and Enforcement	% change	Legislation giving power to charge	Basis for charging
	Basic	VAT 20%	Total 2017/18			Basic	VAT 20%	Total 2018/19					
Transfer	225		225			225		225			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Stutory prescribed - for noting
Partial Transfer	668		668			668		668			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Stutory prescribed - for noting
Surrender	668		668			668		668			0%	Environmental Permitting (England and Wales) Regulations 2010(a) and Environmental Permitting (England and Wales) Regulations 2016	Stutory prescribed - for noting
56. Application for a new premises or club premises licence or to vary a premises or a club premises licence													
Non domestic Rateable Value Band													Licensing Act 2003 (Fees) Regulations 2005
£0 to £4,300	100		100			100		100			0%	Regulation 4 & Schedule 2	Stutory prescribed - for noting
£4,301 to £33,000	190		190			190		190			0%	As above	Stutory prescribed - for noting
£33,001 to £87,000	315		315			315		315			0%	As above	Stutory prescribed - for noting
£87,001 to £125,000	450		450			450		450			0%	As above	Stutory prescribed - for noting
£125,001 and above	635		635			635		635			0%	As above	Stutory prescribed - for noting
57. Application fee for Premises exclusively or primarily in the business of selling alcohol for consumption on the premises													Licensing Act 2003 (Fees) Regulations 2005
Band D	900		900			900		900			0%	Regulation 4 & Schedule 2	Stutory prescribed - for noting
Band E	1905		1905			1905		1905			0%	As above	Stutory
58. Annual renewal fee for premises or club premises licence													Licensing Act 2003 (Fees) Regulations 2005
Band A	70		70			70		70			0%	Regulation 5 and Schedule 2	Stutory prescribed - for noting
Band B	180		180			180		180			0%	As above	Stutory prescribed - for noting
Band C	295		295			295		295			0%	As above	Stutory prescribed - for noting
Band D	320		320			320		320			0%	As above	Stutory prescribed - for noting
Band E	350		350			350		350			0%	As above	Stutory prescribed - for noting
58A. Annual renewal fee for Premises exclusively or primarily in the business of selling alcohol for consumption on the premises													Licensing Act 2003 (Fees) Regulations 2005
Band D	640		640			640		640			0%	Regulation 5 & Schedule 2	Stutory prescribed - for noting
Band E	1050		1050			1050		1050			0%	As above	Stutory prescribed - for noting
59. Exceptionally large events													Licensing Act 2003 (Fees) Regulations 2005
Number in attendance at any one time													
5,000 to 9,999	1,000		1,000			1,000		1,000			0%	Regulation 4 & Schedule 3	Stutory prescribed - for noting
10,000 to 14,999	2,000		2,000			2,000		2,000			0%	As above	Stutory prescribed - for noting
15,000 to 19,999	4,000		4,000			4,000		4,000			0%	As above	Stutory prescribed - for noting
20,000 to 29,999	8,000		8,000			8,000		8,000			0%	As above	Stutory prescribed - for noting
30,000 to 39,999	16,000		16,000			16,000		16,000			0%	As above	Stutory prescribed - for noting
40,000 to 49,999	24,000		24,000			24,000		24,000			0%	As above	Stutory prescribed - for noting
50,000 to 59,999	32,000		32,000			32,000		32,000			0%	As above	Stutory prescribed - for noting
60,000 to 69,999	40,000		40,000			40,000		40,000			0%	As above	Stutory prescribed - for noting
70,000 to 79,999	48,000		48,000			48,000		48,000			0%	As above	Stutory prescribed - for noting
80,000 to 89,999	56,000		56,000			56,000		56,000			0%	As above	Stutory prescribed - for noting
90,000 and over	64,000		64,000			64,000		64,000			0%	As above	Stutory prescribed - for noting
60. Personal Licences, Temporary Events & Other Fees													Licensing Act 2003 (Fees) Regulations 2005
Application for a grant or renewal of personal licence													Regulation 8 & Schedule 3
Theft, loss etc. of premises licence or summary	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Application for a provisional statement where premises being built etc	315		315			315		315			0%	As above	Stutory prescribed - for noting
Notification of change of name or address	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Application to vary licence to specify individual as premises supervisor	23		23			23		23			0%	As above	Stutory prescribed - for noting
Application for transfer of premises licence	23		23			23		23			0%	As above	Stutory prescribed - for noting
Interim authority notice following death etc of licence holder	23		23			23		23			0%	As above	Stutory prescribed - for noting
Theft, loss etc of certificate or summary	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Notification of change of name or alteration of rules of club	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Change of relevant registered address of club	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Temporary Event Notice	21		21			21		21			0%	As above	Stutory prescribed - for noting
Theft, loss etc of temporary event notice	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Theft, loss etc of personal licence	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Duty to notify change of name or address	10.5		10.5			10.5		10.5			0%	As above	Stutory prescribed - for noting
Right of freeholder etc to be notified of licensing matters	21		21			21		21			0%	As above	Stutory prescribed - for noting
61. Gambling Act 2005													Gambling Act (Premises Licence Fees) (Eng & Wales) Regs 2007
Betting Premises (Other) Licence Application													
- New	3,000		3,000			3,000		3,000			0%	Regulation 5 & Schedule 1	Stutory prescribed - for noting
- Annual fee	600		600			600		600			0%	Regulation 8 & Schedule 1	Stutory prescribed - for noting
- Variation	1,500		1,500			1,500		1,500			0%	Regulation 11 & Schedule 1	Stutory prescribed - for noting
- Transfer	1,200		1,200			1,200		1,200			0%	Regulation 12 & Schedule 1	Stutory prescribed - for noting
62. Bingo Premises Licence													Gambling (Premises Licence Fees) (Eng & Wales) Regs 2007

Community Fees & Charges

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	Agreed charges 17/18			Administration	Management and Enforcement	Proposed charges 18/19			Authorisation	Management and Enforcement	% change	Legislation giving power to charge	Basis for charging	
	Basic	VAT 20%	Total 2017/18			Basic	VAT 20%	Total 2018/19						
- New	3,500		3,500			3,500		3,500			0%	Regulation 5 & Schedule 1	Stutory prescribed - for noting	
- Annual fee	1,000		1,000			1,000		1,000			0%	Regulation 8 & Schedule 1	Stutory prescribed - for noting	
- Variation	1,750		1,750			1,750		1,750			0%	Regulation 11 & Schedule 1	Stutory prescribed - for noting	
- Transfer	1,200		1,200			1,200		1,200			0%	Regulation 12 & Schedule 1	Stutory prescribed - for noting	
62A. Adult Gaming Centres														
- New	2,000		2,000			2,000		2,000			0%	Regulation 5 & Schedule 1	Stutory prescribed - for noting	
- Annual fee	1,000		1,000			1,000		1,000			0%	Regulation 8 & Schedule 1	Stutory prescribed - for noting	
- Variation	1,000		1,000			1,000		1,000			0%	Regulation 11 & Schedule 1	Stutory prescribed - for noting	
- Transfer	1,200		1,200			1,200		1,200			0%	Regulation 12 & Schedule 1	Stutory prescribed - for noting	
62B. Gaming Machines & Lotteries														
Small Society Lotteries application for a new licence	40		40			40		40			0%	Regulation 3 Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007	Stutory prescribed - for noting	
Small Society Lotteries annual fee	20		20			20		20			0%	Regulation 5 Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007	Stutory prescribed - for noting	
Notification of gaming machines in alcohol licensed premises	50		50			50		50			0%	Regulation 3 Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007	Stutory prescribed - for noting	
Notification of more than two machines	100		100			100		100			0%	Regulation 3 Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007	Stutory prescribed - for noting	
Annual fee	50		50			50		50			0%	Regulation 5 Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007	Stutory prescribed - for noting	
Club Gaming Permits	200		200			200		200			0%	Regulation 8 Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007	Stutory prescribed - for noting	
Annual Fee	50		50			50		50			0%	Regulation 12 Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007	Stutory prescribed - for noting	
Club Machine Permits	100		100			100		100			0%	Regulation 8 Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007	Stutory prescribed - for noting	
Annual fee	50		50			50		50			0%	Regulation 12 Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007	Stutory prescribed - for noting	
67 Annual renewal fees for large events														
76a LA 2003 Premises/Clubs												Licensing Act 2003 (Fees) Regulations 2005		
Additional annual fees for capacities 5000 - 9999	500		500			500		500			0%	Regulation 5(4) & Schedule 5	Stutory prescribed - for noting	
Additional annual fees for capacities 10000 - 14999	1,000		1,000			1,000		1,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 15000 - 19999	2,000		2,000			2,000		2,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 20000 - 29999	4,000		4,000			4,000		4,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 30000 - 39999	8,000		8,000			8,000		8,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 40000 - 49999	12,000		12,000			12,000		12,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 50000 - 59999	16,000		16,000			16,000		16,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 60000 - 69999	20,000		20,000			20,000		20,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 70000 - 79999	24,000		24,000			24,000		24,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 80000 - 89999	28,000		28,000			28,000		28,000			0%	As above	Stutory prescribed - for noting	
Additional annual fees for capacities 90000 and over	32,000		32,000			32,000		32,000			0%	As above	Stutory prescribed - for noting	
68. Special Treatments														
Grant of a new licence												s.7(6) London Local Authorities Act 1991		Non Executive Licensing - Council Approval Required
Band A : Ear piercing only	205		205	121	84	215		215	127	88	5%	As above	Stutory Discretionary	
Band B - Aromatherapy, body massage, Champissage (Indian Head massage), Fairbane therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure, Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and all treatments in Band A.	406		406	322	84	420		420	332	88	3%	As above	Stutory Discretionary	
Band B (Domestic)- Aromatherapy, body massage, Champissage (Indian Head massage), Fairbane therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure, Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and all treatments in Band A.	182		182	98	84	190		190	102	88	4%	As above	Stutory Discretionary	
Band C - Acupressure, Acupuncture, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Roling, Sclerotherapy, Stone therapy, Trichology, Tui – na, Ultra sonic and all treatments in Band A and B.	620		620	536	84	645		645	557	88	4%	As above	Stutory Discretionary	

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	Basic	VAT 20%	Total 2017/18			Basic	VAT 20%	Total 2018/19							
Band C (Domestic) - Acupressure, Acupuncture, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Rolling, Sclerotherapy, Stone therapy, Trichology, Tui – na, Ultra sonic and all treatments in Band A and B.	279		279	195	84	290		290	202	88	4%	As above	Statutory Discretionary		
Band D - Body piercing, beading, Bio Skin Jetting, Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds) and all treatments in Band A, B & C	824		824	740	84	850		850	762	88	3%	As above	Statutory Discretionary		
Band D (Domestic) - Body piercing, beading, Bio Skin Jetting, Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds) and all treatments in Band A, B & C	370		370	286	84	385		385	297	88	4%	As above	Statutory Discretionary		
Band E - Laser and intense pulse light treatments	704		704	620	84	730		730	642	88	4%	As above	Statutory Discretionary		
Band E (Domestic) - Laser and intense pulse light treatments	704		704	620	84	730		730	642	88	4%	As above	Statutory Discretionary		
Variation of licence	92		92	92	-	96		96	96	-	4%	As above	Statutory Discretionary		
69. Pet Shops														Non Executive Licensing - Council Approval Required	
Initial registration	264		264	180	84	273		273	185	88	3%	As above	Statutory Discretionary		
Renewal	180		180	96	84	188		188	100	88	4%	As above	Statutory Discretionary		
Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance															
70. Sex Entertainment Venue														Local Government Miscellaneous Provisions Act 1982, Part II, Sched 3, Para 19.	Non Executive Licensing - Council Approval Required
Annual Licence New Grant	3960		3960	1,698	2,262	4,120		4,120	1,768	2,352	4%	As above	Statutory Discretionary		
Renewal	3268		3268	1,006	2,262	3,400		3,400	1,048	2,352	4%	As above	Statutory Discretionary		
Variation (in combination with renewal)	1065		1065	1,065	0	1,110		1,110	1,110	0	4%	As above	Statutory Discretionary		
Variation (mid term)	2030		2030	2,030	0	2,110		2,110	2,110	0	4%	As above	Statutory Discretionary		
Transfer	701		701	701	0	730		730	730	0	4%	As above	Statutory Discretionary		
71. Sex Shops														Local Government Miscellaneous Provisions Act 1982, Part II, Sched 3, Para 19.	Non Executive Licensing - Council Approval Required
Initial application	2,390		2,390	1,100	1,290	2,390		2,390	1,100	1,290	0%	As above	Statutory Discretionary		
Renewal	1,195		1,195	500	695	1,195		1,195	500	695	0%	As above	Statutory Discretionary		
Application to transfer a sex shop licence	600		600	600	0	600		600	600	0	0%	As above	Statutory Discretionary		
72. Breeding Establishments for Dogs														s3A Breeding of Dogs Act 1973	Non Executive Licensing - Council Approval Required
(a) Initial Registration	414		414	330	84	414		414	330	84	0%	As above	Statutory Discretionary		
(b) Renewal	226		226	142	84	226		226	142	84	0%	As above	Statutory Discretionary		
(c) Change to registration	57		57	57	0	57		57	57	0	0%	As above	Statutory Discretionary		
Note: Plus fee for approved veterinary or other specialist inspection															
74. Immigration Inspections (outside scope of VAT)														Housing Act 2004	Non Executive Licensing - Council Approval Required
** Note: The Council responding to requests, provides a letter to the British High Commission in respect of accommodation being fit for purpose.															
Inspection of property and provision of report for immigration purposes (within 10 working days).	151		151	151	0	157		157	157	0	4%		Discretionary		
Inspection of property and provision of report for immigration purposes (within 3 working days).	218		218	218	0	226		226	226	0	4%		Discretionary		
75. Scrap Metal and Salvage (outside scope of VAT)														Schedule 1, 6 Scrap Metal Dealers Act 2013 The Vehicle (Crime) Act 2001 Motor Salvage Operators Regulations 2002	Non Executive Licensing - Council Approval Required
Scrap Metal dealers site licence/renewal	514		514	430	84	540		540	452	88	5%	As above	Statutory Discretionary		
Scrap Metal dealers collectors licence/renewal	286		286	202	84	300		300	212	88	5%	As above	Statutory Discretionary		
Variation of site licence	447		447	447	-	470		470	470	0	5%	As above	Statutory Discretionary		
Variation of site licence (minor variation)	88		88	88	-	92		92	92	0	5%	As above	Statutory Discretionary		
Variation of collectors licence	231		231	231	-	242		242	242	0	5%	As above	Statutory Discretionary		
Variation of collectors licence (minor variation)	88		88	88	-	92		92	92	0	5%	As above	Statutory Discretionary		
76. Highways Enforcement (outside scope of VAT)														Skip licences - Highways Act 1980 s139 and Local Authorities (Transport Charges) Regulations 1998/948 Article 3, 4 and Schedule 1	Non Executive Licensing - Council Approval Required
Where a non-licensed skip is found, a retrospective application fee of twice the standard is applied															
Skip (per month)	51		51	51	0	54		54	54	0	6%	As above	Statutory Discretionary		
Skip Renewal (per month)	46		46	46	0	54		54	54	0	17%	As above	Statutory Discretionary		
** Note: The deposit required from builders, developers, etc for the positioning of materials on the highway is £200. This deposit is fully or partially refunded, depending on any necessary repairs or reinstatement works. The change reflects increases in costs of works by contractors and protects the council if costs exceed the current amount of the deposit.															
												As above			

Community Fees & Charges

Appendix 2

Texts in Italic denote Statutory Fees

	Agreed charges 17/18			Administration	Management and Enforcement	Proposed charges 18/19			Authorisation	Management and Enforcement	% change	Legislation giving power to charge	Basis for charging	
	Basic	VAT 20%	Total 2017/18			Basic	VAT 20%	Total 2018/19						
77. Building Materials on the Highway (outside scope of VAT)														
<p>** Note: Where building material is identified that does not have a permit the council may issue a permit whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial fee. The fee for a 'retrospective' renewal application is twice the renewal fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the permit in advance or is a genuine emergency.</p>														
Deposit (subject to highway damage)	244		244	244	0	500		500	500	0	105%	As above	Statutory Discretionary	
First month	94		94	94	0	99		99	99	0	5%	As above	Statutory Discretionary	
Renewal (per month)	85		85	85	0	89		89	89	0	5%	As above	Statutory Discretionary	
78. Housing of Multiple Occupation														
<p>s63(3) and (7) Housing Act 2004</p>														
HMO Application	1250		1250	840	410	1310		1310	880	430	5%	As above	Statutory Discretionary	Non Executive Licensing - Council Approval Required
HMO Renewal	885		885	640	245	930		930	673	257	5%	As above	Statutory Discretionary	
HMO Renewal with material change	1250		1250	840	410	1310		1310	880	430	5%	As above	Statutory Discretionary	
New Application (self contained) (per unit)	260		260	176	84	270		270	182	88	4%	As above	Statutory Discretionary	
Renewal Application (self contained)	184		184	100	84	193		193	105	88	5%	As above	Statutory Discretionary	
Renewal Application (self contained) with material change (per unit)	260		260	176	84	270		270	182	88	4%	As above	Statutory Discretionary	
(a) Selective Licensing														
Selective Licensing Application	550		550	500	50	550		550	500	50	0%	s87(3) & (7) Housing Act 2004	Statutory Discretionary	
79. Hypnotism events														
<p>s2A Hypnotism Act 1952</p>														
Capacity (maximum permitted) number of persons up to 2000	294		294	210	84	304		304	216	88	3%	As above	Statutory Discretionary	Non Executive Licensing - Council Approval Required
<p>Note: Additional charges for extension of hours beyond 11pm, 10% of scale fee plus 1% for each day of extension. Prices for larger capacities on application</p>														
												As above		
80. Animal Boarding Establishment														
<p>s.1(2) Animal Boarding Establishments Act 1963</p>														
Initial registration	228		228	144	84	238		238	150	88	4%	As above	Statutory Discretionary	Non Executive Licensing - Council Approval Required
Renewal	140		140	98	42	147		147	103	44	5%	As above	Statutory Discretionary	
<p>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</p>														
81. Dangerous wild animals														
<p>s.1(2)(e) Dangerous Wild Animals Act 1976</p>														
Initial registration	294		294	210	84	305		305	217	88	4%	As above	Statutory Discretionary	Non Executive Licensing - Council Approval Required
Renewal	234		234	150	84	247		247	159	88	6%	As above	Statutory Discretionary	
<p>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</p>														
82. Performing Animals														
<p>s.1(2) Performing Animals (Regulation) Act 1925</p>														
Application to register for the exhibition or training of performing animals - profit making organisation	414		414	330	84	433		433	345	88	5%	As above	Statutory Discretionary	Non Executive Licensing - Council Approval Required
Application to register for the exhibition or training of performing animals - non-profit organisation (e.g. school)	57		57	57	-	60		60	60	-	5%	As above	Statutory Discretionary	
Application to change registration	57		57	57	-	60		60	60	-	5%	As above	Statutory Discretionary	
Certificate	24		24	24	-	25		25	25	-	4%	As above	Statutory Discretionary	
<p>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</p>														
83. Riding Establishments														
<p>s.1(2) Riding Establishments Act 1964</p>														
Application	380		380	296	84	400		400	312	88	5%	As above	Statutory Discretionary	Non Executive Licensing - Council Approval Required
Renewal	226		226	142	84	238		238	150	88	5%	As above	Statutory Discretionary	
Application to change licence	57		57	57	-	60		60	60	-	5%	As above	Statutory Discretionary	
<p>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</p>														
84. Scaffolding Licence														
<p>s.169 Highways Act 1980 and Local Authorities (Transport Charges) Regulations 1998/948 Reg 3, 4 and Schedule 1</p>														
<p>** Note: The fee for scaffolding found without a licence requiring a 'retrospective' application is twice the initial first month fee. The fee for a 'retrospective' extension to the application is twice the subsequent month fee.</p>														
Residential														
Up to 10 metres (first month)	151		151	151	-	159		159	117	42	5%	As above	Statutory Discretionary	
10-15 metres (first month)	174		174	174	-	183		183	141	42	5%	As above	Statutory Discretionary	
More than 15 metres (first month)	216		216	216	-	227		227	185	42	5%	As above	Statutory Discretionary	
Up to 10 metres (subsequent months)	121		121	121	-	127		127	85	42	5%	As above	Statutory Discretionary	
10-15 metres (subsequent months)	138		138	138	-	145		145	103	42	5%	As above	Statutory Discretionary	
More than 15 metres (subsequent months)	174		174	174	-	183		183	141	42	5%	As above	Statutory Discretionary	
Commercial														
Up to 15 metres (first month)	174		174	174	-	183		183	141	42	5%	As above	Statutory Discretionary	

Community Fees & Charges

Appendix 2

Texts in *Italic* denote Statutory Fees

	Agreed charges 17/18			Administration	Management and Enforcement	Proposed charges 18/19			Authorisation	Management and Enforcement	% change	Legislation giving power to charge	Basis for charging	
	Basic	VAT 20%	Total 2017/18			Basic	VAT 20%	Total 2018/19						
More than 15 metres (first month)	216		216	216	-	227		227	185	42	5%	As above	Statutory Discretionary	
Up to 15 metres (subsequent months)	138		138	138	-	145		145	103	42	5%	As above	Statutory Discretionary	
More than 15 metres (subsequent months)	174		174	174	-	183		183	141	42	5%	As above	Statutory Discretionary	
Refundable deposit based on the area covered / enclosed by the structure - less than 15 metres squared	17		17	17	-	500		500	500	N/A	2841%	As above	Statutory Discretionary	
<i>Refundable deposit based on the area covered / enclosed by the structure - more than 15 metres</i>					-	1,000		1,000	1,000	N/A	#DIV/0!	As above	Statutory Discretionary	
Additional charges per hour eg for attending site meeting	84		84	84	-	88		88	88	N/A	5%	As above	Statutory Discretionary	
													s.172-3 Highways Act 1980 and Local Authorities (Transport Charges) Regulations 1998/948 Reg 3, 4 and Schedule 1	Non Executive Licensing - Council Approval Required
85. Hoarding Licence ** Note: Where hoarding is identified that does not have a licence the council may issue a licence whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial first month fee. The fee for a 'retrospective' extension to the application is twice the subsequent month fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the licence in advance or there was a genuine emergency.														
Up to 15 metres (first month)					-	183		183	141	42		As above	Statutory Discretionary	
More than 15 metres (first month)	174		174	174	-	183		183	141	42		As above	Statutory Discretionary	
Up to 15 metres (subsequent months)	216		216	264	-	227		227	185	42		As above	Statutory Discretionary	
More than 15 metres (subsequent months)	138		138	138	-	145		145	103	42		As above	Statutory Discretionary	
Refundable deposit based on the area covered / enclosed by the structure - less than 15 metres	174		174	174	-	183		183	141	42		As above	Statutory Discretionary	
Refundable deposit based on the area covered / enclosed by the structure - more than 15 metres	17		17	17	-	500		500	500	N/A		As above	Statutory Discretionary	
Additional charges per hour eg for attending site meeting	84		84	84	-	1,000		1,000	1,000	N/A		As above	Statutory Discretionary	
													s.169/s.179 Highways Act 1980 and Local Authorities (Transport Charges) Regulations 1998/948 Reg 3, 4 and Schedule 1	Non Executive Licensing - Council Approval Required
86. Crane (Lifting Equipment) Licence Where a non-licensed crane is found, a retrospective application fee of twice the standard is applied														
Licence Administration Fee	216		216	216	0	227		227	185	42	5%	As above	Statutory Discretionary	
Deposit	540		540			500		500			-7%	As above	Statutory Discretionary	
87. Advertising Board Licence Permission for a A1 (637 (width) x 1100 (height) x 800 (depth) mm) size advertising board on the public highway. No other sizes permitted														
Permit per year	52		52	52	0	140		140	98	42	169%	s.115F(1) Highways Act 1980	Statutory Discretionary	
Penalty for non compliance under Highways Act 1980 and Planning legislation to recover all costs associated with the removal	cost recovery		cost recovery			cost recovery		cost recovery				s.115K(3) Highways Act 1980	Statutory Discretionary	
													London Local Authority Act (1990) as amended	Discretionary
109. Street Trading Licence Administration fee (Applicable to all Licensing types, including variations and cancellations)														
Standalone street trading unit licence (e.g. stall)	43.5		43.5			45.5		45.50	45.50	N/A			Discretionary	
Up to 7 days (per trader)	18		18			19		19.00	N/A			19	Discretionary	
Up to 2 months (per trader)	180		180			189		189.00	101.00	88			Discretionary	
2 to 6 months (per trader)	400		400			420		420.00	244.00	176			Discretionary	
7 to 12 months (per trader)	550		550			580		580.00	316.00	264			Discretionary	
Market on the footway only	1300		1300			1365		1365.00	1000.00	365			Discretionary	
Front of Shop Displays (connected with business)- based on a standard single shop front													Discretionary	
6 Month licence	312		312			440		440.00	352.00	88			Discretionary	
1 Year Licence (15% discount)	1150		1150			880		880.00	704.00	176			Discretionary	

Statutory prescribed - legislation provides that the local authority charge for providing a service and either (a) the charge is prescribed (i.e set eg. £100 or (b) the range is prescribed.
Statutory discretionary (or statutory costs recovery) - legislation provides that you may charge for providing a service but the amount of the charge is discretionary, within the remit of the legislation – the charge may be limited to cost recovery, reasonable cost or based on consideration of prescribed matters eg. consideration of rental value of land for

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COUNCIL
22 FEBRUARY 2018

MINOR AND ADMINISTRATIVE
AMENDMENTS TO THE CONSTITUTION OF
THE COUNCIL

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REPORT FOR: **COUNCIL**

Date of Meeting:	22 February 2018
Subject:	Minor and administrative amendments to the Constitution of the Council
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services and Monitoring Officer
Exempt:	No
Wards affected:	All

Enclosures:

Extracts of Constitution (September 2017 version) with proposed amendments:

1. 3A-1 Schedule to Terms of Reference
2. Health and Wellbeing Board Terms of Reference
3. Committee Procedure Rules p216 of Constitution dated September 2017
4. Budget and Policy Framework Procedure Rules
5. Code of Conduct for Members incorporating
 - a. Protocol on Gifts and Hospitality as an appendix to the Code of Conduct (no changes have been made to the protocol)
6. Code of Conduct for Council Employees
7. Protocol on Councillor-Officer Relations
8. Protocol for Members and Reserve Members Dealing with Planning Applications and Lobbying
9. Protocol on Recording of Decisions Made by Officers

Schedule of amendments approved by the Monitoring Officer

Section 1 – Summary and Recommendations

This report sets out details of amendments to the Council's Constitution together with reasons for the amendments. These minor and administrative amendments have been approved by the Monitoring Officer in accordance with Article 15 of the Constitution.

Recommendations:

The Council is requested to note the minor administrative amendments which have been made by the Monitoring Officer.

Section 2 – Report

The Council’s Constitution is updated periodically in line with updates in legislation or central government guidance. Other changes to the Constitution are made where there may be inconsistencies arising or where an aspect of the Constitution is not clear.

The decision to make the amendments in the attached extracts was taken in accordance with paragraph 15.5 of Article 15 of the Constitution titled Review, Revision and Publication of the Constitution which states that the Monitoring Officer in consultation with the Head of Paid Service may make minor and administrative changes to the Constitution. Any changes to quoted legislation are made purely to update the Constitution, there are no material changes made and the amendments do not affect the business of the Council

None of the amendments affect any policy, procedure or decision of the Council.

Financial Implications

There are no financial implications in amending the Constitution in line with the proposed amendments.

Equalities implications

No equalities impact assessment has been undertaken as the proposed changes do not affect any policies, procedures or decisions of the Council.

Council Priorities

The Council’s vision:

Working Together to Make a Difference for Harrow

The proposed changes make a difference to all communities as it ensures that they have access to Constitution that clearly and accurately sets out how the Council conducts its business.

Section 3 - Statutory Officer Clearance

Name: Sharon Daniels	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 21.02.2018		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 19.02.2018		

Ward Councillors notified:

NO

Section 4 - Contact Details and Background Papers

Contact: Jessica Farmer, Head of Legal, tel: 020 8424 1889

Background Papers:

Constitution dated September 2017

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3A-1 **SCHEDULE ADDENDUM** TO THE TERMS OF REFERENCE – FUNCTIONS NOT TO BE THE RESPONSIBILITY OF THE EXECUTIVE

In accordance with Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (The Regulations) certain functions ~~The functions listed below are those which~~ must be determined by Council and can not be the responsibility of the Executive. Many of them are delegated to a committee of Council or a council officer.

The list of functions together with the relevant statutory provision is set out in Schedule 1 of The Regulations.

Schedule 1 of Regulations can be accessed here:

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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 197~~3~~2 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.

21 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.

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5. Appointment of Sub-Committees and Panels

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

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

~~1.21.3~~ The Licensing Panel must consist of three Members of the Licensing and General Purposes Committee.

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BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once the budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. The Process for the Development of the Budget

Timetable and consultation

- (a) Before the publication of any draft budget proposals, the Executive shall agree a timetable for the consideration of the budget. The timetable shall accord with these Rules and shall also detail the process for consultation on the budget with local stakeholders and others.
- (b) The Executive shall then arrange appropriate consultation on these draft budget proposals with local stakeholders and others. Details of the consultation process shall be included in the [Forward Plan December draft budget report](#) of the [Authority Council](#).

Reference to the Overview and Scrutiny Committee

- (d) The draft budget proposals of the Executive shall also be referred to the Overview and Scrutiny Committee for advice and consideration. A copy of the proposals shall be sent as soon as available to all members of that Committee.
- (e) The Overview and Scrutiny Committee may conduct further consultation as it considers appropriate except that this should not duplicate any consultation already carried out or proposed to be carried out by the Executive.
- (f) The Overview and Scrutiny Committee shall report to the Executive on the outcome of their consideration of the draft budget proposals and may make such recommendations, as it considers appropriate. The Executive must consider any report or recommendations made by the Overview and Scrutiny Committee before it submits its budget to the Council for approval. When making its report to the meeting of the Council on the budget the Executive must state how it has taken into account any recommendations from the Overview and Scrutiny Committee.

Consideration of the budget by the Council

- (g) The Council may:
- adopt the budget proposals of the Executive;
 - ~~may~~ amend them;
 - refer them back to the Executive for further consideration.
- (h) A decision by Council to adopt the proposals comes into effect immediately.
- (i) A decision to amend or refer back the proposals shall come into effect ~~after~~ five clear working days from the day on which the Council meeting makes its decision unless the procedure in (j) below is invoked by the Leader.
- (j) In circumstances where the Executive budget proposals have been amended and before the expiry of the five clear working days period, the Leader of the Council may give notice to the Director of Legal & Governance Services that he or she objects to some or all of the amendments made by the Council. The decision of the Council shall not then come into effect until the completion of the procedure in sub-paragraph (k) below.
- (k) When the Leader of the Council gives notice to the Director of Legal & Governance Services under sub-paragraph (j) above or where the Council has decided to refer the budget back to the Executive the Director of Legal & Governance Services shall:
- (i) arrange for a meeting of the Executive to consider the proposals made by the Council. The Executive may:
- agree with the proposals of Council;
 - reject the proposals of Council;
 - ~~_____~~ make further amendments
 - agree some and reject some of the proposals of Council.
- (ii) following the meeting of the Executive, convene a further meeting of Council to give further consideration to the budget. The further meeting of the Council shall be called for the day that is not more than ~~14 calendar~~10 clear working days nor less than ~~7 five clear calendar working~~ days after the giving of notice by the Leader, and shall commence at 7.30 pm, unless agreement is reached by the Chair and the Leaders of all political groups on the Council to an alternative date or time.

- (l) The Council at its further meeting to consider the budget can agree the proposals of the Executive or can amend the proposals. Their decision is then effective immediately.

Budget variation

- (m) When approving the budget the Council shall also specify the extent of controls (if any) on the use of contingencies and reserves which may be undertaken by the Executive in accordance with paragraph 6 of these Rules. The Executive may not make any other changes to the budget determined by the Council.

After setting the budget

- (n) As soon as practicable after the determination of the budget the Executive shall publish and make available to the public information on the budget determined for the following Municipal Year.

3. The Process for the Development of the Policy

Framework Timetable and consultation

- (a) In accordance with the Local Authority (Functions and Responsibilities) (England) Regulations 2000 any approval to the following Plans and Strategies ~~is reserved to~~ must be approved by the Council:

- Annual Library Plan
- Children and Young People's Plan
- ~~Community Safety Plan~~ Crime and Disorder Reduction Strategy
- ~~Gambling Policy~~
- Licensing Authority Policy Statement
- Licensing Policy
- Local Implementation Plan (formerly the Local Transport Plan)
- Plans and strategies which together comprise the Development Plan
- Sustainable Community Strategy
- Youth Justice Plan

The Harrow Corporate Plan, Corporate Parenting Strategy, Gambling Policy (statement of principles) and the Corporate Equalities Objectives Scheme are ~~also~~ reserved to the Council.

- (b) At the start of each Municipal Year the Executive will determine a timetable for the preparation and consideration of those Plans and Strategies listed in (a) above that are required to be made in that year. The timetable will detail the meeting of the Executive which it is expected that the Plan or Strategy will be agreed for recommendation to Council, the meeting of the Overview and Scrutiny Committee to which the matter is to be referred (see (e) below) and the date of the Council meeting at which the recommendation will be considered.

- (c) The Executive shall arrange appropriate consultation on the proposed Plans and Strategies with local stakeholders and others as determined by the Executive. Details of the consultation process shall be included in the Forward Plan of the Authority.
- (d) Three of the Plans and Strategies listed in (a) above are known as Partnership Plans these are:

Crime and Disorder Reduction Strategy
Sustainable Community Strategy
Youth Justice Plan

These Plans and Strategies will be prepared with Harrow's Partners in the Partnership and will be referred to the relevant decision-making body in each of the agencies of the Steering Group of the Partnership.

Reference to the Overview and Scrutiny Committee

- (e) A copy of any proposed Plan or Strategy listed in Rule 3(a) above shall also be referred to the Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the Plan or Strategy concerned. The Council shall not agree a Plan or Strategy until the Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

Consideration by the Council

- (f) The Council may:
- adopt the proposals of the Executive;
 - amend them;
 - refer them back to the Executive for further consideration; or
 - substitute its own proposals in their place.
- (g) A decision of the Council to adopt the proposals comes into effect immediately.
- (h) A decision to amend, refer back or substitute the proposals shall come into effect after five clear working days from the day on which the Council meeting makes its decision, unless the procedure in (i) below is invoked by the Leader.
- (i) In circumstances where the Plan or Strategy has been amended or substituted and before the expiry of the five clear working days period,

the Leader of the Council may give notice to the Director of Legal & Governance Services that he/she objects to some or all of the amendments made by the Council. The decision of the Council shall not then come into effect until the completion of the procedure in sub-paragraph (j) below.

- (j) When the Leader of the Council gives notice under sub-paragraph (i) above to the Director of Legal & Governance Services or where the Council has decided to refer the matter back to the Executive for further consideration, the Director of Legal & Governance Services shall refer the matter to the next scheduled meeting of the Executive. The Executive may agree the proposals of the Council, reaffirm its original proposals, or make further amendments. The decision of the Executive shall then be referred back to the Council. The Council can agree the proposals of the Executive or amend the proposals. The decision reached by the Council then has immediate effect.

Variation

- (k) When approving any Plan or Strategy the Council shall also specify the extent of variation within the Plan or Strategy that may be undertaken by the Executive in accordance with paragraphs 7 of these Rules. The Executive may only make such other changes to a Plan or Strategy as have been agreed by the Council.

After Council determination

- (l) After the Plan or Strategy has been determined by the Council the Executive shall publish and make available to the public information on the contents of the Plan or Strategy. The Plan or Strategy shall also be made available for public inspection and included on the Council web-site, and copies made available at reasonable cost.

4. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 6 (Virement), the Executive, individual members of the Executive, and any officers or joint arrangements discharging executive functions, may only take decisions, which are in accordance with the budget or policy framework. If any of these bodies or persons wishes to take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may (subject to paragraph 5 below) only be taken by the Council.
- (b) Any member of the Council or a Committee or sub-committee of the Council wishing to raise a question as to whether any decision made

or likely to be made by the Executive is contrary to the policy framework or contrary to or not wholly in accordance with the budget, shall refer the question to the Monitoring Officer and/or the Chief Financial Officer as appropriate. If either of these officers considers that the decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget he, she or they shall immediately inform the Chair of the body making the decision or the individual making the decision. The decision may not then be implemented and must be referred to the Council for decision.

- (c) The Monitoring Officer or Chief Financial Officer may conclude that a decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget without it first being raised by a Councillor, a Committee or sub-committee. They must then inform the relevant Chair or individual decision-taker and the decision may not then be implemented and must be referred to the Council for decision.

This Rule shall not apply where a decision has been taken within the exception permitted by Rule 5.

5. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Executive, individual member of the Executive or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget, if the decision is a matter of urgency.
- (b) Such a decision on grounds of urgency may, however, only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of the Overview and Scrutiny Committee or in his/her absence the Mayor, or in the absence of both, the Deputy Mayor, agrees in writing that the decision is a matter of urgency.
- (c) The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the Chair of the Overview and Scrutiny Committee or Mayor or Deputy Mayor must be noted on the record of the decision.
- (d) Following the decision, the body or person taking the decision will report to the next meeting of the Council, explaining the decision, the reasons for it, and why it was treated as a matter of urgency.

6. Virement

The Virement Policy is contained within the Financial Regulations at Part 4K Section 3.

7. In-year Changes to the Budget and Policy Framework

No changes may be made to the budget or policy framework by the Executive, individual members of the Executive, or officers, or joint arrangements discharging Executive functions except those:-

- (i) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- (ii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (iii) permitted under B48 of the Financial Regulations (additions in year to the capital programme).

8. Call-In Decisions Outside the Budget or Policy Framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive decision would be, or if made is, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions, which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Financial Officer's report shall be sent to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the officer's report and prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure from the Budget and Policy Framework, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure from the Budget and Policy Framework.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is, or would be contrary to, the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the

matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may:

- (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, the Executive is required to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Financial Officer or both.

HARROW COUNCIL

A. CODE OF CONDUCT FOR COUNCILLORS and MEMBERS

Background

The Localism Act 2011 requires the Harrow Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. It also requires the Council to adopt a code of the conduct expected of such Members when acting in that capacity.

This Code has been prepared and adopted by Harrow Council

The Council having adopted this Code will, from time to time, revise and replace it as is appropriate but will publicise such changes through its website and otherwise for the information of people living in its area.

PART 1

GENERAL PROVISIONS

Introduction and interpretation

- 1.1 This Code defines the standards of conduct, which will be required of you and in your relationships with the Council and its Officers. It has been created to embrace the 10 general principles of conduct which are set out in Appendix 1.
- 1.2 The Code represents the standard against which the public, fellow Councillors, and the Authority's Standards Committee will judge your conduct. A breach of the Code may also constitute a criminal offence.
- 1.3 You should familiarise yourself with the requirements of this Code. You should regularly review your personal circumstances, particularly when those circumstances change. If in any doubt, you should seek advice from the Authority's Monitoring Officer.
- 1.4
 - (1) This Code applies to you as a member of the Council.
 - (1) You should read this Code together with the general principles set out in Appendix 1.
 - (2) It is your responsibility to comply with the provisions of this Code.
 - (3) In this Code –
 - (a) —the Act means the Localism Act 2011;
 - (b) —body in which the relevant person has a beneficial interest means a firm in

which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

- (c) —Co-opted memberll means any person who is not a member of the Council but who:
- (i) Is a member of any committee or sub-committee of the council, or
 - (ii) Is a member of and represents the council on any joint committee or joint sub-committee of the Council, or
 - (iii) Is a non-executive member of Cabinet;
- (d) —directorll includes a member of the committee of management of an industrial and provident society;
- (e) —landll excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (f) —Mll means a member of a relevant authority;
- (g) —meetingll means any meeting of -
- (i) the Council ;
 - (ii) the Executive of the Council ;
 - (i) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (ii) in taking a decision as a Ward Councillor or as a Member of the Executive.
 - (v) at any briefing by officers; and
 - (vi) at any site visit to do with business of the authority
- (h) —member includes a Co-opted member and an Appointed Member;
- (i) —relevant authority means the authority of which M is a member;
- (j) —relevant periodll means the period of 12 months ending with the day on which M gives a notification for the purposes of paragraphs 9.2 (a) or 12.1 of this Code.
- (k) —relevant personll means M or any other person referred to in paragraph 8.1 (b).
- (l) —securitiesll means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.(m)—subject to a pending

notificationll means a notification made of a disclosable pecuniary interest to the Monitoring Officer which has not yet been entered in the Register of Interests.

Scope

2. You must comply with this Code whenever you are acting in your capacity as a Member of the Council.

General obligations

3. (1) You must treat others with respect.
 - (2) You must not-
 - (a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a Member (including yourself) has failed to comply with the Council's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council .
 - (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not -
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so
 - (iii) ;the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6.1 You:-

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the Council -

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6.2 You may have dealings with the Council on a personal level, for instance as a council tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a Member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a Member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

6.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Council for your use in your duties as a Councillor or a committee member or member of the Executive are used strictly for those duties and for no other purpose.

7.1 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –

(a) the Council's Chief Finance Officer; or

(b) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your

authority.

7.2 When reaching decisions you should -

- (a) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and
- (b) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

7.3 No member may be involved in scrutinising a decision in which he/she has been directly involved. In particular, Portfolio Holder Assistants should not participate in or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.

PART 2

REGISTRATION AND DISCLOSURE OF INTERESTS

Disclosable Pecuniary Interests

8.1 A pecuniary interest is a —Disclosable Pecuniary Interestll if it is of a description specified in Appendix 2 and either:

- (a) it is the interest of you as a Member or
- (b) it is an interest of:
 - (i) the Member's spouse of civil partner
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners,

and the Member is aware that the other person has that interest.

8.2 If you are in any doubt as to whether you should continue to participate in any matter, you should take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.

8.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Council's committees. You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

Effect of disclosable pecuniary interests on participation

9.1 Where you are present at a meeting of the Council and you are aware that you

have a disclosable pecuniary interest in any matter to be considered, or being considered, then:

- (a) if the interest is not entered on the Council's register of interests you must (subject to the provision relating to sensitive interests) disclose the interest to the meeting, and
- (b) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date of disclosure and
- (c) (i) (subject to any current dispensation) may not participate (or participate further) in any discussion of the matter at the meeting or
 - (ii) participate in any vote (or vote further) taken on the matter at the meeting
 - (iii) and must leave the room in which the meeting is being held

9.2 If a function of the Council may be discharged by you as a single member acting alone and you are aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function then

- (a) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date when you became aware of the existence of the interest in relation to the business to be dealt with and
- (b) you must not take any steps, (or further steps) in relation to that matter except for the purpose of enabling the matter to be dealt with otherwise than by you.

(c) decision-making by a single executive member is a matter of particular sensitivity, and if you have a disclosable interest in a matter on which you may take a decision you should wherever possible refer the matter to the Executive for a collective decision.

Other Interests

10.1 In addition to the above requirements, if you attend a meeting at which an item of business is to be considered and you are aware that you have Other Interests a—non-disclosable pecuniary interest or non-pecuniary interest in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

10.2 You have a—non-disclosable pecuniary interest or non-pecuniary interest in an item of business of your authority Other Interests are ones where –

Any decision in relation to the item at a meeting that business might reasonably be regarded as affecting the well-being or financial standing of

you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area.

A close family member is a spouse, civil partner or any person living with the member as a spouse or civil partner, or a Member's brother or sister, son or daughter or parent.

~~(a) Interests include, but are not limited to it relates to or is likely to affect any of the interests listed in the Table in Appendix 2 of this Code, but in respect of a member of your family (other than a relevant person) or a person with whom you have a close association, and~~

~~that interest is not a disclosable pecuniary interest.~~

11.1 Dispersations

In cases where a member has a disclosable pecuniary interest, they may still be able to participate and vote at a meeting if they have obtained a dispensation from the **Standards GARDS** Committee in accordance with the provisions set out below:

There are 5 circumstances in respect of which a dispensation may be granted, namely:

- (a) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business';
- (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area;
- (d) That without a dispensation, no member of the Cabinet would be able to participate in this matter, or
- (e) That the authority considers that it is otherwise appropriate to grant a dispensation

11.2 You must make verbal declaration of the existence and nature of any dispensation granted to you at or before the consideration of the item of business or as soon as the interest to which the dispensation relates, becomes apparent. In the event of a blanket dispensation granted to all Members on a particular matter, this should be declared by the Chair at the commencement of the meeting.

Gifts and Hospitality

12.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.

12.2 The Monitoring Officer will place your notification on a public register of gifts

and hospitality.

12.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

~~12.3~~**12.4** [See Appendix 3 Protocol on Gifts and Hospitality for full details.](#)

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of Members' interests

13.1 You must, within 28 days of –

(a) this Code being adopted by the Council or

(b) your election or appointment to office (where that is later):

notify the Council's Monitoring Officer of any disclosable pecuniary interest which you have at the time of notification for registration in the Council's register of members' interests maintained under the Act.

13.2 Where you become a member of the Council as a result of re-election or re-appointment the requirement for notification as mentioned in sub-paragraph (1) above applies only to disclosable pecuniary interests not entered in the register when the notification is given.

13.3 Entries in the register are not required to be retained once you:

(a) no longer have that interest or

(b) have ceased to be a Member of the Council (otherwise than transitorily on re-election or re-appointment).

13.4 Where a Member gives a notification for the purposes of sub-paragraph (1) above the Monitoring Officer must cause the interests notified to be entered on the Register whether or not they are disclosable pecuniary interests.

13.5 Where a Member gives a notification for the purposes of paragraphs 9.1(b) or 9.2 (a) above the Monitoring Officer must cause the interest notified to be entered on the Register whether or not they are disclosable pecuniary interests.

13.6 You must inform the Monitoring Officer within 28 days of any change to your circumstances regarding any existing registration or need for further registration.

Sensitive information

14. Where you have a personal or declarable pecuniary interest and you and the Monitoring Officer consider that it is of such a nature that disclosure of the details of the interest could lead to you or a person connected to you being subject violence or intimidation then:

(a) if the interest is entered on the Council's Register, copies that are

made available for inspection and any publishes version of the Register must not include details of the interest but may state that you have an interest details of which are withheld under this provision.

- (b)** if by virtue of this Code you are required to disclose an interest at a meeting then that requirement shall be amended to only require disclosure that such an interest exists in respect of the matter concerned, but not the terms of that interest.

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A. CODE OF CONDUCT FOR COUNCIL EMPLOYEES

Summary of the Code of Conduct

The Code is intended to provide guidance on standards of conduct. The Code covers:

1. Introduction
2. General Standards
3. Financial and Non-Financial Interests including:
 - acceptance of hospitality and gifts outside work and private interests
 - contracts sponsorship
 - interests with applicants for employment
4. Relationships with colleagues, managers, councillors, contractors, the press and the public.
5. Health and Safety
6. Equal Opportunities
7. Confidentiality to protect the Council's interests and client's interests.
8. Care of money and property
9. Political neutrality and political restrictions
10. Responsibilities of all Corporate Directors and Directors

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 - 1.1. Purpose of the Code
 - 1.2. Status of the Code
 - 1.3. Application of the Code
- 2. General Standards**
 - 2.1. Official Conduct
 - 2.2. Political Neutrality
 - 2.3. Duty to report failure in service standards.
- 3. Financial and Non-Financial Interests.**
 - 3.1. Duty to declare certain contractual interests.
 - 3.2. Corruption
 - 3.3. Additional 'Outside' employment
 - 3.4. Hospitality
 - 3.5. Gifts
 - 3.6. Sponsorship
 - 3.7. Compliance with Standing Orders and Financial Regulations
 - 3.8. Recruitment and Selection of Staff
 - 3.9. Employment Decisions
 - 3.10. Other Financial Interests.
 - 3.11. Non-Financial Interests
 - 3.12. Personal Interests.
- 4. Relationships**
 - 4.1. General
 - 4.2. With Colleagues
 - 4.3. With Managers
 - 4.4. With Councillors
 - 4.5. With Contractors
 - 4.6. With the Media
 - 4.7. With Service Users and the Public
- 5. Health and Safety**
- 6. Equal Opportunities**
- 7. Confidentiality**
- 8. Working with the Council's Money and Property**
 - 8.1. Care of Council's Money and Property
 - 8.2. Ownership of Intellectual Property
 - 8.3. Care of Client's Money and Property
- 9. Political Neutrality and Political Restrictions**
 - 9.1. Advice to Members
 - 9.2. Political Neutrality
 - 9.3. Political Restrictions
- 10. Responsibilities of all Corporate Directors and Directors**

1. INTRODUCTION

1.1. Purpose of the Code

To provide guidance for all employees of the Council on the standards expected of them in the performance of their duties.

To bring together existing laws, regulations and conditions of service to provide a comprehensive collection of the requirements of which employees should be aware.

1.2. Status of the Code

The Code is based on a Code approved by the Local Authority Associations, the Local Government Management Board and other professional bodies including the Trade Unions.

In most circumstances conduct in breach of this Code will also be in breach of the Disciplinary Code.

1.3. Application of the Code

The Code applies to all Harrow's employees with the exception of teachers. Inevitably it will affect certain senior officers more than others but all employees should be aware of the contents of the Code and its importance. All activities carried out under a contract of employment with the Council or on behalf of the Council are subject to the Code. This includes activities carried out on behalf of the Council involving other organisations or local authority controlled or influenced companies.

2. GENERAL STANDARDS

2.1. Official Conduct

Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

Local Government employees are expected to give the highest standard of service to the public. The contract of employment is with the Council as a whole and all employees must perform their work impartially to members of the public, other employees and Councillors of all political parties.

2.2. Political Neutrality

All the individual rights of Councillors must be respected, and services, support and advice must be made equally available to all political groups. Minority political groups are entitled to the same level of advice and support as the controlling group on the Council. (See also paragraph 9.2).

Certain local government employees may be contractually required not to undertake certain "political activities" (see Para 9.3), but in addition all employees whether restricted or not must follow the lawfully expressed policy of the Council and must not let their own political or personal opinions or beliefs interfere in any way with their work.

2.3. Duty to Report failure in Service Standards

Employees must bring to the attention of the relevant Director any impropriety, breach of procedure or failure of the manner in which services are being provided, without fear of recrimination.

3. FINANCIAL AND NON-FINANCIAL PECUNIARY AND NON-PECUNIARY INTERESTS

3.1. Duty to Declare Certain Contractual Interests

3.1.1. A failure by an employee to declare a pecuniary interest in a contract which the Council is considering entering into or has entered into may be a prosecutable offence. Section 117 of the Local Government Act 1972 provides that if an employee knows that a contract in which (s)he has a pecuniary interest, whether direct or indirect, is before the local authority (s)he must give notice of that interest to the authority. Notice shall be given to the Head of Paid Service and the particulars of the interest shall be entered into a register. The register is open to inspection by Councillors.

3.1.2 Employees who have an interest in a company or other organisation with which it is likely or possible that the Council will enter into a contract in the future are advised that they must give prior notice of the interest in the company. Separate later notice of each contract entered into is also required, under the provisions of the Act.

3.1.3. It is particularly important that if an employee is considering becoming involved or has become involved with an organisation to provide services to the Council, that that interest is disclosed at an early stage and certainly before any decisions have been taken over the tendering and selection procedures. No further part can be taken by an employee who has such an interest in the formulation of an internal bid for the provision of services under Compulsory Competitive Tendering, Voluntary Competitive Tendering, or other similar procedures.

3.2 Corruption

There are certain statutory provisions which back up the general requirement on all employees that all benefits which result from the performance of duties on behalf of the Council may only come officially by proper remuneration.

(i) Section 117 (2) of the Local Government Act 1972 forbids an

employee to accept "any fee or reward whatsoever" other than proper remuneration.

- (ii) All employees, and other associated persons acting on behalf of the Council, are prohibited from offering, promising, giving or accepting any bribe either within the Council or from or to a third party organisation, in accordance with sections 1 and 2 of the Bribery Act 2010. Such bribes may relate to the improper performance of duties to gain advantage for the Council or personal advantage, financial or otherwise, for the individual, or anyone connected with the individual.

3.3. Additional "Outside" Employment

3.3.1 Employees on Scale **HG7** or above are required by their contract of employment to seek prior written approval before accepting any work outside the Council. Approval must be sought from his/hershe Director. Failure to obtain consent is a breach of the terms of the contract of employment.

Even where approval is given it will be on the basis that it will not be to the detriment of the work for the Council and will not in any way be in conflict with the interests of the Council.

If there is any possibility of conflict with the interests of the Council, employees below Scale **HG7** are required to seek approval from his/hershe Director. Employees must ensure that the additional work will not affect their work for the Council.

Approval for private work must be sought and obtained on a 3 yearly basis regardless of whether or not there has been any change in circumstances. If an employee's position with the Council or the nature or scope of the private work changes in any way, approval must be sought from the Director in order to continue to pursue the private work.

The Harrow Scheme for Pay and Conditions of Service Vol.1 3.11 states: "Employees off duty hours are their own concern, but their private interests must not interfere with their performance in their job. Employees must not put themselves in a position where their private interests conflict with their job and the interests of the Council. The Council will not prevent employees from undertaking additional work unless such work, in the Council's opinion, conflicts with or is detrimental to the Council's interests or would in any way weaken public confidence in the conduct of the Council's business."

Section 3.11 of the Harrow Scheme for Pay and Conditions of Service Vol.1 provides that "2.1. Any Officer graded above Scale **G6** must seek approval from his/her Director in writing if he/she wishes

to undertake private work. This applies whether or not there may be a conflict of interests.”

3.3.2. No office facilities or information owned or held by the Council may be used for the purposes of "outside" use or employment. It is irrelevant whether or not the work is paid. Prior authority should be obtained for all situations where facilities or information are intended to be used. Employees should also take care not to infringe any copyrights or intellectual property rights held by the Council. Guidance should always be sought where there is any doubt as to what is permitted e.g. supplying information to local authority associations, professional groups.

3.3.3. Corporate Directors will maintain registers of all approval given.

3.4. Hospitality

3.4.1. Hospitality should not be accepted unless the employee is representing the Council in the community or where there is a genuine need to impart information. In these situations the hospitality accepted must be commensurate with the occasion and no more than is reasonable. Offers to attend social, sporting, arts, cultural or other events should only be accepted when these are part of the life of the community or where the Council should be represented.

Where it is necessary to decline an offer of hospitality this should be done courteously but firmly and the person or organisation informed of the procedures and standards operating within the Council.

3.4.2. Great care must be taken when considering whether to accept an offer of hospitality from a person or body in a contractual relationship with the Council. This is particularly so where such a relationship is being sought or a contract is being considered for renewal. Authorisation to accept any such hospitality should be sought from the appropriate Director. When receiving authorised hospitality employees should be sensitive to the timing of decisions for letting contracts for which the provider is bidding.

3.4.3. Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, and where the Director has given consent in advance after being satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc., are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. A record of hospitality received must be maintained in the departmental register.

3.5. Gifts

3.5.1. It is very important that an employee does not put him or herself in a position of being suspected of dishonesty. The difference between accepting a bribe (a criminal offence) and accepting a "thank you" present for work done in a continuing relationship is very slight. To accept any reward means running a risk of a serious accusation being made. The motives of those offering rewards must always be suspected. The acceptance of a gift from those who are vulnerable and in receipt of services equally runs the risk of a serious accusation being made.

The basic rule is that employees are paid for carrying out their jobs well and that no further reward should be given or accepted.

3.5.2. It could arise that an employee is provided for in the will of a former service recipient. It is, of course, quite improper for such a gift to be solicited in any way. If an employee becomes aware at any time that he or she is provided for in the will of any person in receipt of services from the Council then ~~the~~his/her Director should be informed immediately. If a bequest is received then the member of staff should discuss with the Director whether it is appropriate for the bequest to be retained. This is not considered to be a matter on which more specific advice can be given and if such an occasion ever arises it will have to be considered at the time. What is considered to be important, in order to protect an employee from accusations of improper conduct, is that the issue is dealt with openly and with the Director being kept fully informed.

3.5.3. Unsolicited gifts are sometimes received, particularly over the Christmas holiday period. All significant gifts should be returned or passed immediately to ~~the~~his/her Director. Insignificant gifts, such as pens, calendars or diaries may be retained. If the employee is in any doubt the Director should be consulted. If ~~the~~his/her Director decides that a significant gift can be retained to be shared amongst staff or passed to a charity a record of the gift and the donor should be kept. Consideration should be given to informing the donor of the method chosen for the distribution of the gift. Where the Director feels that it is inappropriate for the gift to be retained, it must be returned to the donor.

3.5.4 Particular care must be taken when considering whether to accept gifts from contractors who are or will be seeking to obtain contracts from the Authority.

3.6. Sponsorship

3.6.1. Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must again be taken when dealing with contractors or potential contractors. Offers of sponsorship must be brought to the attention of the Director.

3.6.2. Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

3.6.3. Corporate Directors will maintain a register of interests.

3.7. Compliance with ~~Standing Orders~~Contract Procedure Rules and Financial Regulations

~~Standing Orders 44 to 52 of the Council~~The Contract Procedure Rules regulate the content of contracts and the procedure for entering into contracts on behalf of the Council. The Financial Regulations and Financial Standards of the Authority again provide detailed guidance as to what is expected of all employees. Both ~~Standing Orders~~Contract Procedure Rules and Financial Regulations are set out in full in the ~~Constitution Standing Order booklet, which is available in all Departments. Financial Standards are also available in all Departments and from the Chief Internal Auditor.~~

All employees are expected to be aware of the content of these documents insofar as they relate to the job being undertaken. It is the responsibility of Corporate Directors to ensure that appropriate training is given and that employees are aware of the applicability of ~~Contract~~Standing OrdersProcedure Rules, Financial Regulations and Financial Standards.

3.8. Recruitment and Selection of Employees

3.8.1. Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible appearance of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with him or her.

The Council's Recruitment, Selection and Appointment Procedures must be followed for all appointments. It is the Council's policy that all employees involved in appointments should have received training and be fully aware of the requirements of this Procedure.

3.8.2. There is a requirement for all candidates for an appointment to disclose any relationship to a member of the Council or a senior

employee. This obligation is referred to on all job application forms. There is a similar obligation (Section 4a of the Harrow Scheme for Pay & Conditions of Service Vol.2 on every "senior officer of the Authority ... (to) similarly disclose to the Authority any relationship known to him/her to exist between him/herself and a candidate for an appointment of which s/he is aware". The appointing Director and Chief Personnel Officer should be made aware of any such declaration.

3.8.3. Every senior employee, i.e. employees paid **HG9** or above, shall disclose to the Director of their department any relationship known to the officer to exist between themselves and any candidate for appointment to the Council.

3.9. Employment Decisions

Employees should not be involved in decisions relating to discipline, grievance, promotion or pay adjustments for any employee who is a relative, partner or close friend. It is important that employees do not allow the impression to be created that a decision may have been taken for an improper reason. It is not sufficient that the decision was properly taken; the possible appearance of bias must be avoided.

3.10. FinancialPecuniary Interests

Certain interests in contracts if not disclosed may make an employee liable to a prosecution (see para 3.1). In addition all employees are expected to disclose all financialpecuniary interests, which could conflict with the interests of the Council. No actual conflict need arise.

It may not always be clear whether an interest might conflict. Circumstances may change after the interest is obtained which make it more likely that conflict will arise.

It is most likely that a financialpecuniary interest will arise from investments made in a company which may contract with or be in competition with local authorities or which arises from "outside" employment. (See also para 3.3.

- notice of other employment). Notice should be given to the Director. Advice should be sought if the employee considers there is any element of doubt as to whether the interest should be declared or not.

The pecuniary interests of the employee's family and friends may, depending on the circumstances, also be notifiable to the Director. The test is whether the interest and the relationship is such that a member of the public might reasonably consider that the employee would be influenced by the interest and might not therefore always be acting impartially on behalf of the Council. The likelihood of the employee being able to influence a decision or otherwise influence the delivery of a service would also be a relevant factor to take into consideration. Where the Director considers it to be advisable, the employee will take no further part in procedures, which he/she has an interest in. All such interests will be recorded in the register

of interests kept by the Corporate Director and available for inspection by Members of the Council.

3.11. **Non-~~Financial~~Pecuniary Interests**

All other non-~~financial~~pecuniary interests should also be declared to the Director where it is considered that the interest could be in conflict with the interests of the Council.

Examples of such interests are:

- (a) school governor of a school maintained by the Council
- (b) involvement with an organisation receiving grant aid from the Council
- (c) membership of a National Health Trust
- (d) involvement with an organisation or pressure group which may seek to influence the policies of the Council

All such interests will be recorded in the register of interests kept by the Corporate Director and available for inspection by Members of the Council.

The interests of the employee's family and friends may, depending on the circumstances, also be notifiable to the Director. The test is whether the interest and the relationship is such that a member of the public might reasonably consider that the employee would be influenced by the interest and might not therefore always be acting impartially on behalf of the Council. The likelihood of the employee being able to influence a decision or otherwise influence the delivery of a service would also be a relevant factor to take into consideration.

3.12. **Personal Interests**

Employees must declare to their Director membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

The following definition of what constitutes a secret society was used by the working group responsible for drafting the LGMB code of conduct:

“Any lodge, chapter, society, trust or regular gathering or meeting which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or

otherwise) of allegiance to the lodge, chapter, society, trust, gathering or meeting and

- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion”.

4. RELATIONSHIPS

4.1. General

The Council expects employees to maintain good relationships with colleagues and members of the public. Employees should respect the rights of others and in particular should act in accordance with the Council's policy on harassment. The Council is committed to creating an environment in which people can work together in harmony and condemns all forms of harassment and expects all victims to be given the help and assistance that it is within the power and policies of the Council to provide.

4.2. With Colleagues

All employees are expected to apply the same high standards of conduct in their dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.

Employees should not use their position with the Council improperly to take advantage of other employees.

4.3. With Managers

All employees have a joint responsibility to ensure good working relationships. The manager is expected to provide feedback on performance, give advice on how improvements can be made, define what is expected from an employee and deal with concerns about the work. For some employees there are formal procedures but even where formal procedures do not exist managers are expected to provide this assistance in an appropriate manner (formal or informal).

Managers are expected to provide support for employees in the performance of their duties, including assistance where necessary, in dealing with other employees or the public.

Employees should carry out all reasonable and lawful instructions to the best of their abilities. Documents and records should be kept in an honest

concealed which it is known should be reported.

Claims or allegations against other employees should be raised with the Manager in accordance with Council procedures. Matters may also be taken up with the trade union representative.

4.4. With Councillors

Councillors enquiries should be dealt with politely and efficiently. Councillors should deal with all employees courteously and reasonably. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity can damage this relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

If a Councillor makes a request of an employee, which is considered to be improper, or contrary to agreed procedures or one, which cannot reasonably be carried out, the senior manager should be informed immediately.

No personal matters to do with an employee's job should be raised with Councillors directly, but should be referred through the accepted Council procedures. In the same way allegations or claims about other employees should be referred to the appropriate manager and not raised directly with Councillors.

Employees should not use Councillors to by-pass formal Council procedures in any way, for example, to influence the outcome of a disciplinary action.

4.5 With Contractors

Reference has been made in many parts of this code to the need for care when dealing with contractors or potential contractors. The appearance of familiarity should be avoided. Careful records should be kept of all meetings, recording the purpose and outcome of meetings. There may be occasions when it is advisable to be accompanied.

Guidance on the acceptance of hospitality and gifts should be carefully observed. Procedures relating to the seeking, opening and selection of contracts must be strictly followed. If at any time an employee considers that a contractor or potential contractor is trying to unduly or improperly influence the consideration of a tender then a senior manager must be informed immediately.

The above paragraphs also apply to contact with consultants and suppliers.

4.6. With the Media

- 4.6.1. Employees should know whether they are expected to respond to requests for information from the press or other media. If in doubt the request should be referred either to the [Press Office Council's Comuniations Team](#) or to a senior manager. The gratuitous release of information to the Press should only be done or authorised by an Corporate Director/Director or the [Press Office Communications Team](#).
- 4.6.2. If an employee considers that improper pressure is being applied to release information, a senior manager should be informed immediately.
- 4.6.3. No information should be released which is confidential or which could be used to the detriment of the interests of the Council to any person or outside body. Confidential is defined as any matter, which could be classed as exempt under the [Local Government Access to Information Act 1985](#) and the [Local Authorities \(Executive Arrangements\) \(Access to Information\) \(England\) Regulations 2000](#). If an employee has any doubts about whether information should be released advice from a senior manager should be sought.
- 4.6.4. If an employee wishes to write any articles or give interviews relating to the work of the Council or which identify the author or speaker as an employee of the Council prior permission must be obtained from the [ir](#) Director. If an employee wishes to speak or write in a private capacity on a matter unconnected with the Council, then the rules on additional employment must be followed.

4.7. With Service Users and the Public

- 4.7.1 All members of the public should be treated with courtesy, respect and helpfulness at all times whether on the phone, by letter or in person.
- 4.7.2. Employees should present a positive attitude and manner and dress in an appropriate way. If specific dress rules exist these should be followed. If no such rules exist then clothing which is appropriate to the job and which portrays a positive attitude to the service should be adopted.
- 4.7.3. At no time should an employee's behaviour or actions damage public confidence in the employee's honesty or integrity as a Council employee. Information acquired through work must not be misused or improperly disclosed. An employee's position with the Council must not be abused or taken advantage of.

4.8 With External Organisations - Health Trusts, Police, Voluntary Organisations etc.

4.8.1 The Council expects employees to establish and maintain effective working relationships with representatives of external organisations. Employees must have due regard to Council policies concerning disclosure of information, acceptance of hospitality, maintenance of records, etc.

5. HEALTH AND SAFETY

The Council accepts and will meet its statutory obligations by making every reasonable effort to provide a safe and healthy working environment and to ensure that all reasonable steps are taken to protect the health and safety of its service users.

All employees are expected to know and to follow all appropriate health and safety requirements. It is the responsibility of managers to arrange appropriate training.

6. EQUAL OPPORTUNITIES

6.1. It is the policy of the Council that there shall be no discrimination in recruitment, employment conditions, training or promotion

6.2. All employees have a duty to co-operate with the Council and to promote Equal Opportunities within their own spheres of responsibility

6.3. Managers must observe and promote the Council's Equal Opportunities policy and ensure that they observe the Council's Recruitment and Selection Code of Practice. Managers must ensure that any discrimination or harassment within their section is dealt with in accordance with the guidelines

6.4. Corporate Directors and Directors are responsible for implementing and promoting Equal Opportunities within their departments.

7. CONFIDENTIALITY

It is accepted that open government is best and is the aim of the Council. The law requires that certain types of information are available to Members, auditors, government departments, service users and the public.

Guidance is given in the Council Constitution as to the information which Councillors are entitled to receive and the grounds on which information can be withheld from the public under the Access to Information Act 1985 and Regulations 2000. If an employee is in any doubt as to whether information should be released guidance from their [ir](#) Manager should be sought.

There is certain information, which should be treated, as highly confidential and which work colleagues and Members should only be able to see on a strict need to know basis. Some departments already have procedures for dealing with such information and Managers are responsible for ensuring that employees are aware of any such requirements.

Three categories of information in particular should be treated with care:

- (a) Personal information relating to clients, service users or third parties. Recipients of services often have to provide detailed and personal information, which is given and received on the basis of confidentiality. It would be a complete breach of ~~trust~~confidentiality if this information were to be revealed to any person who did not have a ~~good~~ need to know.
- (b) Personal information relating to employees, for example, confidential references or disciplinary records.
- (c) Financial or other information, which could prejudice the interests of the Council if, revealed. Particular care must be taken of information relating to the selection of contractors and the contents of bids or tenders received. Where internal bids are made under Compulsory Competitive Tendering or Voluntary Competitive Tendering arrangements, the Director is responsible for ensuring that responsibilities of the client side and the contractor side are clear and do not overlap. Employees are not permitted to take advantage of their position within the Council to gain an unfair advantage.

Employees must take care that all information obtained in the course of their employment is not used for personal gain or benefit and nor should it be passed on to others who might similarly gain or benefit.

8. WORKING WITH THE COUNCIL'S MONEY AND PROPERTY

8.1. Care of the Council's Money and Property

8.1.1 The property of the Council may only be used for the purposes of the Council and not for personal benefit. At one level this means that private telephone calls should be recorded and paid for and equipment and stationery should not be put to personal use or taken home. At a higher level this means that in carrying out one's job care must be taken to protect the Council's interests, money and property. For example faults in equipment or concern about possible fraud by others should be reported.

The Council is entitled to expect at least the same standard of care of its property as employees give to their own property.

8.1.2. An employee should not withhold money from the Council for any reason where no legal basis exists for so doing. There may be

circumstances where it is not possible for an employee to continue in a job where money is owed, for example, an employee involved with the collection of Council Tax should not personally owe Council Tax to this or any other Council. An employee must not make fraudulent claims for financial assistance from this or any other local authority. To do so, may make it impossible for an employee to continue in his/her position with the Council.

8.1.3. When an employee ceases working for the Council all papers and other records, equipment and any other property of the Council must be returned.

8.2. Ownership of Intellectual Property

8.2.1. The ~~LGMB~~ Local Government Management Board code defines 'Intellectual property' as follows: "Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer".

8.2.2. Knowledge and information held by the Council is equally the property of the Council and must not be used for the purposes of "outside" employment.

8.2.3. The Council owns the copyright to printed material and computer programmes, which it has developed. To release this information can be just as damaging to the interests of the Council as theft. Care must be taken over the less tangible assets of the Council in the same way as other assets.

8.3. Care of Clients Money and Property

It is necessary to follow procedures, which can demonstrate that full, and proper care has been taken.

Where procedures already exist they must be adhered to. In the absence of formal procedures, employees must carefully record all property, consider the advisability of a witness and if in any doubt seek further advice from the manager.

9. POLITICAL NEUTRALITY AND POLITICAL RESTRICTIONS

9.1 Advice to Members

9.1.1. In para 2.2 above reference was made to the fact that employees are employed by the Council and do not work to assist the majority political group or any other political group. There are a few employees who are employed in an administrative/secretarial capacity to provide direct support to the political groups. Subject to

this exception advice and other assistance must be freely available to members of all groups.

9.1.2. The rights of Members to information are set out in the Council's Constitution **Booklet**. If any employee considers that grounds exist to refuse a request for information or if the cost of collecting the information is too high then reference to an appropriate Committee of the Council may be needed. Advice from the~~his~~/her Director should always be sought in such circumstances.

9.1.3. Employees must provide advice and assistance to all groups equally. Advice should always be given as openly as possible. There are a few limited circumstances where it is accepted by the political groups that confidential advice to one group only can be given. This is a convention only. These circumstances relate to advice on procedural matters relating to a meeting of Council or of a Committee and to the drafting of motions to Council. Very few employees would be involved in giving such confidential advice.

9.2 Political Neutrality

All employees should be on their guard to avoid co-operating with or becoming identified with the political actions of any of the political parties whilst engaged in their Council duties.

With the exception set out in respect of senior employees at para 9.3 employees have the same freedom as other members of the community to engage in political activities not involving their Council duties. However, employees must avoid being involved in any activity, which may make it more difficult for them to be seen to be carrying out their duties impartially. This can be a sensitive and difficult area for example during a pre election period and employees should seek the advice of a senior manager.

9.3. Political Restrictions

The Local Government and Housing Act 1989 contains provisions to stop "twin-tracking" and to restrict the political activities of senior employees. Twin tracking arises where a Councillor in one Authority is at the same time an employee of another Local Authority. If any employee is in any doubt whether they are subject to political restriction advice should be sought from their **personnel** manager. Exemptions from the effect of restrictions may be obtainable. Holders of restricted posts are disqualified from becoming a councillor of any local authority and from becoming an MP or MEP. They are also prevented from certain other political activities such as canvassing and speaking publicly in support of a particular political party.

The political restrictions are deemed to be incorporated into the contracts of employment and breach of the restrictions is a breach of contract.

10. RESPONSIBILITIES OF ALL CORPORATE DIRECTORS AND DIRECTORS

- 10.1. To ensure all employees including newly appointed employees are aware of and understand the importance of this Code.
- 10.2. To ensure all appropriate employees are familiar with and understand the Contract Procedure Rules, Financial Regulations and the Financial Standards of the Council.
- 10.3 To ensure that all employees involved in the recruitment selection and appointment of Staff are familiar with and understand the Code of Practice.
- 10.4. To ensure that the Health and Safety requirements of the Council are fully understood by all employees with responsibility for their operation.
- 10.5 To maintain the following records:
 - (a) All decisions relating to approval/non approval for the performance of outside work by employees see para 3.3.
 - (b) The acceptance by any employees of hospitality or of any significant gift by an employee or on behalf of a group of employees (see paras 3.4. and 3.5).
 - (c) Any non-financialpecuniary interest, potential financialpecuniary interest or interest in a sponsorship deal declared by an employee, see paras 3.6, 3.10 and 3.11.
 - (d) Any personal interest declared by an employee see para. 3.12.

In addition the Head of Paid Service shall, where relevant, maintain a record of the financialpecuniary interests of employees of the Council.

All the interests declared with the exception of (c) above shall also be recorded in the personal files of the employee. All employees have the right to know what interests have been recorded that concerns them and the detail of any entry. They may ask for entries to be corrected if necessary.

C. PROTOCOL ON COUNCILLOR-OFFICER RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Standards Committee (now replaced by the Governance Audit Risk Management and Standards Committee [GARMS]). Monitoring of compliance with this protocol is the responsibility of ~~the Standards Committee~~ GARMS, the Monitoring Officer and the Head of Paid Service.

1. Introduction

- 1.1 The relationship between Councillors and officers is essential to the successful working of the Council. This relationship within the authority Council is characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to each other openly and honestly. The purpose of this ~~p~~Protocol is to help Councillors and officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.
- 1.2 Guiding all aspects of relationship between Councillors and officers should be the seven principles of public life as stated by the Nolan committee on standards of conduct in local government and now embodied in section 28 of the Localism Act 2011 (i.e. selflessness, integrity, objectivity, accountability, openness, honesty, leadership).
- 1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council procedures.

2. The roles of Councillors and officers

- 2.1 Councillors are responsible to the electorate and serve as long as their term of office lasts. Officers are responsible to the authority Council and carry out the Council's work under the direction of the Council, its Executive and Committees.

2.2 Councillors:

Elected Councillors are responsible for:

- (a) Giving political leadership
- (b) Initiating and determining the policy of the authority Council
- (c) Acting as advocates for their constituents
- (d) Democratic accountability for the delivery of Council services
- (e) The scrutiny of Council services
- (f) The promotion of partnership working

23 It is not the role of Councillors to involve themselves in the day to day management of the authorityCouncil's services

24 Councillors of the Executive, chairs and vice chairs of Committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or compromise their position with other Councillors or other officers.

25 **Officers**

Officers are responsible for:

- (a) Providing professional advice and information to Councillors in developing and implementing policy and in decision-making;
- (b) Implementing decisions of Councillors;
- (c) Day to day administration of the authorityCouncil;
- (d) Managerial and operational decisions taken within the Council's scheme of delegation;
- (e) Information to and consultation with local people about eCouncil services.

The Head of Paid Service, Monitoring Officer and Chief Financial Officer have responsibilities in law over and above their obligations to the Council and its Councillors, and which they must be allowed to discharge.

26 Councillors and officers will wish to discuss policy issues and officers will require political guidance in preparing proposals. When officers prepare reports for Councillor decision they have a duty to give advice in accordance with their professional expertise and own professional codes of conduct. In some situations officers will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Executive or a Committee, which they cannot support professionally.

3. **Working relationships**

31 **Councillors can expect the following from officers:**

- (a) a commitment to the authorityCouncil as a whole and not to any political group;
- (b) perform their duties effectively and efficiently;
- (c) a working partnership;
- (d) an understanding of respective roles and pressures;
- (e) timely responses to enquiries and complaints;

- (f) impartial professional advice;
- (g) regular and up to date information on matters which are appropriate and relevant to their needs;
- (h) awareness of and sensitivity to the political environment;
- (i) courtesy and appropriate confidentiality;
- (j) training and development in order to carry out their role effectively;
- (k) that employees will not use their relationship with Councillors to advance their personal interests to influence decisions improperly;
- (l) compliance with the officer code of conduct;
- (m) support for the role of councillors as the local representatives of the authorityCouncil, within any scheme for Councillor support approved by the authorityCouncil.

32 Officers can expect the following from Councillors:

- (a) a working partnership;
- (b) an understanding of respective roles and pressures;
- (c) political leadership and direction;
- (d) courtesy and appropriate confidentiality;
- (e) not to be subject to bullying or put under undue pressure;
- (f) not to use their position or relationship with officers to advance their personal interests or to influence decisions improperly;
- (g) compliance with the Councillor Code of Conduct.

33 Mutual trust and respect between Councillors and officers is essential, but gives rise to two contrasting requirements. On the one hand close personal familiarity can damage the relationship and prove embarrassing to other Councillors and officers, but on the other hand, Councillors must bear in mind that officers cannot respond to personal criticism in the same way that other Councillors can, and should temper their remarks accordingly. This is particularly important when Councillors are dealing with less senior staff.

34 The normal conduct of business will mean that Councillors may deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this Protocol and any difficulties should be reported to the relevant Director.

35 Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with, Councillors are expected to deal in the first instance with the Head of Paid Service, Executive Directors, and Directors and their deputies. This is because:

- (a) Chief and senior officers are in a better position to provide authoritative information or advice;

- (b) They need to be aware of any questions or complaints raised by Councillors;
- (c) They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under officers' delegated authority; and
- (d) They are able to investigate and deal with any shortcomings there might be at the point of service delivery

In addition, this avoids the possibility of junior staff being 'intimidated' or even 'bullied' by over-enthusiastic Members.

4. At meetings

- 4.1 Officers and Councillors will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership, area and other consultative bodies. The respective roles of Councillors and officers may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. There are some basic rules that will apply in all situations.
- 4.2 At all times Councillors and officers will show respect to one another. Although Councillors are entitled to question officers at meetings they must avoid personal attacks on officers and ensure that criticism is constructive and well founded. Officers will expect to have the opportunity to explain what appears to be an inconsistency.
- 4.3 Wherever a public meeting is organised to consider a local issue, all the members representing the wards affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council undertakes any form of consultative exercise on a local issue, the ward Councillors should be notified at the outset of the exercise.

5. Working with Political Groups

- 5.1 Political groups have an important role to play in the development of policy and the political management of the authorityCouncil. Whilst the operation of the political groups must be supported by the authorityCouncil, it is important that the officer corps remain politically neutral, and avoid being identified with any political group.
- 5.2 Officers will give advice and information to any Councillor or group of Councillors on the Executive or Overview and Scrutiny Committee.
- 5.3 If the resource implications of providing information are considerable, the Leaders of the political groups and the Head of Paid Service will discuss and agree what information will be provided by officers.
- 5.4 Officer advice and analysis will be made available to the main minority party, for example in relation to preparation of amendments to the budget prior to the annual council tax/ratemaking

meeting of the Council. Where the main minority party requests significant work by officers that is likely to disrupt other essential work, the Head of Paid Service will be advised and will decide whether the officer resources can be committed.

Reports:

- 55 Political groups may request the Head of Paid Service or an Executive Director to prepare written reports on matters relating to the authority for consideration by the group.
- 56 Officer reports will be factual and may identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.
- 57 Where a report is prepared for a political group, the Head of Paid Service will advise all other groups that the report has been prepared and will provide a copy to any group on request.

Officer attendance:

- 58 Any political group may request the Head of Paid Service or an Executive Director to attend a meeting of the group to advise on any matter relating to the ~~Authority~~Council.
- 59 The Head of Paid Service or Executive Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or provide representation where he/she believes that the particular issue is of such a political nature that it would be inappropriate to attend.
- 5.10 Officer advice will be factual and may identify options with the merits or otherwise of these. Advice will not deal with any political implications of the matter or any option.
- 5.11 Where an officer attends a political group, the Head of Paid Service will advise all other groups that the officer has attended and the subject on which he/she has advised.
- 5.12 Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.

6. Working with Overview and Scrutiny

- 6.1 Overview and Scrutiny Committees have the power to require Executive Councillors and officers to appear before them and answer questions. Harrow's Constitution states that officer attendance should

be by the Head of Paid Service, Executive Director or Director, but that they may, if appropriate arrange for other staff to attend meetings to assist.

- 62 The Council has agreed that there will be no formal separation of officer support between the Executive and Scrutiny functions. The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.

Further information about Councillor and officer involvement in Overview and Scrutiny can be found in the Protocols on Overview and Scrutiny.

7. Officer appointments

- 7.1 Appointments at Chief Officer, Executive Director and Director level are made by a Councillor level selection committee or panel. All other appointments are made at officer level, other than employees working in the political group offices, where the Head of Paid Service may invite a relevant Councillor to join the interview panel and to participate in the selection process.
- 7.2 Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers, though the relevant Executive Councillor may agree the performance targets in the case of chief officers.
- 7.3 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected to raise the matter with the relevant service director in the first instance.
- 7.4 Specific provisions apply in relation to disciplinary action against the Statutory Relevant Officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer) (see Officer Employment Procedure Rules in Part 4H of the Constitution).

E PROTOCOL FOR MEMBERS AND RESERVE MEMBERS WHEN DEALING WITH PLANNING APPLICATIONS AND LOBBYING

1. Introduction

In making any determination under the Planning Acts, Members of the Council sitting on the Development Management Committee and Strategic Planning Committee should have regard to the development plan (the Unitary Development Plan) and shall determine applications in accordance with the development plan unless material considerations indicate otherwise. Members must do this by balancing the needs and interests of the whole community and of individual constituents, alongside the need to maintain an ethic of impartial decision making on what may be highly controversial proposals.

The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision is biased, is not impartial or not well founded in any way.

1.2 When does this Code Protocol apply?

This Code Protocol applies to ~~m~~Members at all times when involving themselves in the planning process, including planning appeals and planning enforcement. While this will normally be relevant for members (and reserves) on the Development Management Committee and Strategic Planning Committee, it will also apply to **all** Council members at Council meetings if they exercise any functions of the Development Management Committee or Strategic Planning Committee in determining planning applications, appeals, enforcement and any other planning issues. ~~It applies to planning enforcement matters as well as to planning applications~~

1.3 The requirement for Member training before serving on the Development Control Committee and Strategic Planning Committee

Planning legislation and guidance can be complex.

~~The Office of the Deputy Prime Minister (ODPM),~~ The Local Government Association (LGA), the Nolan Committee and the Royal Town Planning Institute all recommend that Members who have to make planning decisions should be specifically trained. ~~The ODPM published guidance on Member training in May 1998, and t~~he LGA updated its general guidance for Probity in Planning in ~~2002~~2013.

Members serving on the Development Management Committee and Strategic Planning Committee must undergo training (which may be in a variety of alternative forms) validated and approved by the Planning Department before serving on the Committee, and must be updated regularly on changes to legislation or procedures. This training will be evidenced by records signed by the Member (e.g. attendance book)

2. Members' Interests and the Code of Conduct

2.1 Relationship of the Protocol to the Members' Code of Conduct

~~This Protocol supplements the Members' Code of Conduct (referred throughout this Protocol as "the Code") which applies to all their work as Councillors Members, . Therefore Members must apply the rules in that the Code and this Protocol to any activity of a Member in relation to decisions of the planning committee, their activity as a member of the Development Management Committee or the Strategic Planning Committee. A Breach of the Code of Conduct may result in a complaint to, and/or an investigation by to the Standards Board for England, the Council's Governance, Audit, Risk Management and Standards Committee (GARMS)~~

~~Members must also apply the rules in this Protocol to their activity as a member of the Development Management Committee or the Strategic Planning Committee. The Protocol is a locally agreed document, which means Harrow's Standards Committee will investigate any breach of the rules within it.~~

Failure to follow the recommendations within this Protocol and the Code may also lead to an investigation by the Local Government Ombudsman into possible maladministration by the authority.

2.2 The registration of interests

Members must complete a 'Register of Interest financial and other interests' form as set down in the Code ~~of Conduct. Councillors Members they~~ must review their register entry regularly and notify the Monitoring Officer of any change within 28 days.

2.3 Hospitality

~~Councillors Members~~ must be very cautious about accepting gifts and hospitality, especially in relation to planning applications. The Code ~~of Conduct~~ requires ~~Members~~ receiving gifts or hospitality (in their capacity as members) over the value of ~~£25100~~, to provide details to the Monitoring Officer, for inclusion in the 'Register of gifts and hospitality'. This notification must be made within 28 days of receiving the gift or hospitality. Members should refer to the Protocol on Gifts and Hospitality

3 Declaring an interest

Members must consider whether they have an interest in a matter under discussion, and if so, what type of interest it is.

Members must declare any disclosable pecuniary interest. The definition of what constitutes a disclosable pecuniary interest is set out in detail in the Code at paragraph 8 and Appendix 2..

Paragraph 9 of the Code sets out the effect of a disclosable interest on a members participation at a meeting or any other decision making process.

~~A Member may have a personal interest in any matter under discussion:~~

~~If the matter relates to an interest in respect of which the member has given notice in the statutory register of members interests; or
if a decision upon it might reasonably be regarded as affecting to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, the well being or financial position of themselves, a relevant person, or:~~

- ~~• Any employment or business carried on by such persons;~~
- ~~• Any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;~~
- ~~• Any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or~~
- ~~Any body in which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management~~ Where a member considers he or she has such an interest, he or she must declare it.

3. Other Interests

There is a duty on Members to register other types of interest and to further the principles in the Code of integrity, objectivity, accountability and to avoid any allegations of personal bias. Members should declare such interests wherever relevant to the matter being determined.

In accordance with the Code, if you attend a meeting at which an item of business is to be considered and you are aware that you have an other type of interest in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

You have an —other type of interest in an item of business of your authority where –
a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

it relates to or is likely to affect any of the interests listed in the Table in Appendix 2 of this Code, but in respect of a member of your family (other than a –relevant person)) or a person with whom you have a close association

Dispensations

In cases where a member has a disclosable pecuniary interest, they may still be able to participate and vote at a meeting if they have obtained a dispensation from the GARM. See paragraph 11 of the Code for full details

~~The disclosure should state the existence and nature of the personal interest at any relevant meeting, including informal meetings with officers and other members.
Declaring a personal interest does not debar the member from participating in the decision unless the personal interest is also prejudicial.~~

~~A member with a personal interest must consider whether that interest is also prejudicial.~~

The Code says that a personal interest becomes a prejudicial one:

~~'If the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.'~~

~~If a member has such an interest, he or she should not participate in a discussion on the matter. The member must state that he or she has a prejudicial interest, state the nature of that interest and must then withdraw from the room and must not seek to improperly influence a decision on the matter.~~

~~There are some exemptions in paragraph 12.2 of the Code, which allow a member with a prejudicial interest to continue to participate in the decision. If this is the case the member must still declare the prejudicial interest, but state the exception which allows him or her to remain and discuss the matter in question.~~

~~However, in order to reduce any suggestion of bias, members should consider carefully whether or not it is sensible to continue to take part in a planning decision where their prejudicial interest is covered by an exemption.~~

2.43.1 Planning applications affecting Members of the Council

If a planning application affects a mMember, either because they or a relevant person own the land or part of the land affected, or the proposal will affect their land or that of a relevant person, or they wish to act as an agent for the person(s) making the proposal, that mMember must inform the Chief Planning Officer of the application immediately.

The notification must state the application which affects the member's land, and the nature of the interest. It must be in writing, by letter, fax or e-mail. The notification should be made not later than the submission of the application, or as soon as the Member becomes aware of it, if s/he acquires such knowledge after submission.

This will enable the Chief Planning Officer to ensure that the interest is included on the agenda sheet for the relevant meeting. The interest will be included under the 'Declaration of interests' heading. Members must also orally declare the interest at the meeting.

This will help all members decide, early on, whether or not they can participate in a decision.

2.53.2 Members of the Council who are not members of Development Management Committee or Strategic Planning Committee

Ward members wishing to speak in this capacity at Development Control meeting may do so provided they do not have a personal and prejudicial disclosable pecuniary or other interest. They will also require the agreement of the Committee (Committee Procedure Rule 4.1 refers).

The ~~Member~~ must tell the chair that they wish to speak in that capacity at the start of the meeting and must not sit in the ~~Member~~ seating area during the meeting so that members of the public can clearly see which ~~Members~~ are ~~Members~~ of the Committee and which are not.

A space will be reserved for backbench ~~Members~~ at the committee table, and when the relevant item is to be discussed, the backbench ~~Member~~ will be called to sit at the table, will take part in the discussion of that item, and will then withdraw from the table before the decision is taken

2.63.3 Interests of Cabinet and/or Executive Members

Where an application is made in which the Cabinet or Executive have an interest, any member of the Development Management Committee or Strategic Planning Committee who is also an Executive Member must carefully consider whether they have a ~~personal or prejudicial interest to declare~~ disclosable pecuniary or other type of interest.

3.4. The roles of members in planning decisions and the role of officers in supporting them

3.14.1 The role of elected Members

Elected members serving on the Development Management Committee and Strategic Planning Committee determine planning applications and enforcement issues. When members are taking decisions relating to planning issues they ~~will~~ must listen carefully to all the arguments in favour and against each proposal and ~~will~~ must:

- Y Act fairly and openly;
- Y Approach each application with an open mind;
- Y Carefully weigh up all relevant issues;
- Y Consider the professional advice of officers;
- Y Determine each application on its own merits;
- Y Ensure that there are clear and substantial reasons for their decisions and that these are clearly stated;
- Y Ensure decisions are proportionate;
- Y Ensure respect for human rights.

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views may be strongly held by those involved. Whilst ~~councillors~~ Members should take account of these views, they must not favour any person, company, group or locality, not must they put themselves in a position where they appear to do so.

The setting of planning policy is the function of the Executive, and members of Cabinet must comply with the same criteria when taking planning policy decisions. Although this protocol is specifically intended for those ~~Members~~ dealing with planning applications, it is generally as relevant to those sitting on the Executive, who should have training in planning matters before taking planning decisions.

3.24.2 The role of officers in relation to member decision making

Officers will advise and assist members in developing planning policy and in determining applications and enforcement issues by:

- Y Providing impartial and professional advice;
- Y Making sure all the information necessary for the decision to be made is given;
- Y Providing a clear and accurate analysis of the issues;
- Y Setting the applications and enforcement issues against the broader Unitary Development Plan policies and all other material considerations;
- Y Giving a clear recommendation;
- Y Carrying out the decisions of the Development Management Committee;
- Y Carrying out the decisions of the Strategic Planning Committee;
- Y Determining applications under powers delegated to them by the Council.

Where Members have factual questions about development proposals, it is very helpful for these to be put to officers, where possible, before the meeting. Not only can ~~offers~~officers make sure all the information is obtained in response, but it also helps the effectiveness and efficiency of the committee meeting.

4.5. Lobbying (including representation and communication)

4.5.1 Lobbying of ~~Councillors~~Members by applicants or objectors

It is quite common for applicants or other interested parties to wish to discuss a proposed development with elected ~~m~~Members before the determination of a planning application. By the same token, those affected by a proposed decision may seek to influence it through an approach to their elected ward councillor or a ~~m~~Member of the Development Management Committee or Strategic Planning Committee.

Members who are likely to be directly involved in taking planning decisions must, therefore, explain to lobbyists that, whilst they may listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or the other when the application is considered by the Development Management Committee or Strategic Planning Committee.

Lobbying can be perceived to affect the impartiality and integrity of a ~~councillor~~Member. In order to avoid that perception, members are advised to:

- Y Avoid meeting an applicant, potential applicant, or objector alone;
- Y Listen to any representations made but not make it known in advance of the Development Management Committee or Strategic Planning Committee meeting whether they are minded to support or oppose a proposal;
- Y Restrict any response they do give to procedural advice;
- Y Direct lobbyists or objectors, including written representations, to planning officers who can include reference to their opinions in the report;
- Y Not pressurise officers into making a particular recommendation in the report;
- Y Notify the Chief Planning Officer of the existence of any lobbying interests;
- Y Notify the Chief Planning Officer of any interest they have in the application.

Members of the Development Management Committee or Strategic Planning Committee should not actively campaign either for or against planning applications.

Members should feel free to ask questions of officers in order to clarify their understanding of the proposals.

A ~~m~~Member who feels they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) should tell the Monitoring Officer who can advise the relevant officer to take the matter up with the person concerned.

A Development Management Committee or Strategic Planning Committee member who does not represent the ward affected will find it easier to take an impartial stance on an application. A member who represents the ward concerned, possibly one who has also been campaigning for or against the proposal will find it difficult to argue, when the decision is taken at the Committee, that they have weighed up the arguments for the first time at the meeting. They should therefore declare a n ~~prejudicial~~ interest and not take part in the vote.

The responsibility for striking the right balance in this process lies with the individual member.

4.25.2 Discussions with potential applicants.

Potential applicants are encouraged to hold pre-application meetings with officers, but in order to avoid the perception that these are, or have become, a part of the lobbying process, these meetings:

- Y Should be at officer level;
- Y Will be at a forum prescribed for the purpose if they involve members;
- Y Where potentially contentious, will be attended by two officers including the Chief Planning Officer or his representative.

A note of the discussion will be taken and be kept on file and made available for inspection at the appropriate time

It will be made clear that the discussions will not bind the Council and that any views expressed are personal and provisional based on the Unitary Development Plan.

It will be made clear that at such meetings all the relevant information may not be at hand and formal consultations with interested parties will also be taking place.

It will be made clear whether or not members or officers will consider the application.

Members of the Development Management Committee or Strategic Planning Committee should generally avoid meetings with applicants or potential applicants, and should seek officer advice before making any commitment to do so.

4.35.3 Member Site visits

Site visits can be useful to identify features of a proposal that may be difficult to identify from the plans and supporting material; where there are features of the proposal which are

difficult to convey in a written report, or the proposal is particularly contentious. However, site visits may delay an application, and therefore will only be authorised where the expected benefit of so doing is substantial and/or where there are significant and complex policy implications.

The approach taken by Harrow Council is for site visits comprising an organised inspection by the committee members with officer assistance. Informal visits to view the site from the public domain can often be helpful to familiarise members with the issues to be considered, but members should avoid making contact with applicants, property owners or objectors in such circumstances.

Site visits by members alone at the request of applicants or objectors should not be undertaken and may lead to accusations of impartiality and maladministration.

A revised Procedure Note for Member Site Visits was agreed by Development Management Committee in May 2007 and is attached as **Annex 1**.

5.6. Early Engagement on Strategic Applications

Since 2003 the complexity of the planning process has increased considerably particularly in respect of major applications which can require Environmental Assessments, Access and Design Statements, Transport Assessments, Viability 'Toolkits', Energy Statements, Children's Play statements etc. The numbers of major applications which are currently in the pipeline is far above what has previously been the norm for the authority, and the pressure to deal with these in a timely manner within Government targets remains.

To enable members to understand large scale applications and their implications the officers consider that they should have the opportunity to ask questions, raise issues and meet applicants, both prior to submission and between submission and determination. However, to avoid any problems of probity this engagement needs to be carefully managed. This approach is recommended in a leaflet published by London Councils, The Government Office for London and London First in November 2007 and attached as **Appendix 2**.

Officers ~~are recommending~~ that applicants for major strategic schemes should be invited to make a presentation to members of the Committee and reserves, at which they should explain their proposals and answer questions of fact. Such presentations may also involve a site visit, and where necessary site visits for strategic proposals should be arranged prior to Committee meetings where the proposal is to be considered. At such presentations there should be no debate about the merits or otherwise of the scheme.

At least one senior officer should be present at all such meetings and may be called upon to answer any factual questions about policy issues etc.

Such meetings can be at either pre- or post-application stages and in some instances both may be appropriate. Similar meetings may also be arranged for ward/backbench members and members of the Executive.

6.7. Committee Meetings

6.7.1 Officer reports to Committee

To ensure that the Council is not accused of inadequate consideration of the issues, or inconsistent decision-making or non-existent reasoning behind a recommendation, the following rules will be followed in the preparation of reports for committee:

- Y Reports must be accurate and cover, amongst other things, the objections, the views of those consulted, and the officer response to consultations;
- Y Relevant information should include an outline of the relevant development plan policies; site description, proposal description, relevant planning history, applicant's statement (if any) and an appraisal of all relevant considerations;
- Y Reports must have a written recommendation;
- Y Information received after the report was finalised will be reported on the printed addendum circulated at the Committee meeting;
- Y Oral reporting (except where an update is required) should be avoided and carefully minuted where it is necessary;
- Y Reports must contain technical appraisals, including references to specific clauses of the UDP, which clearly justify a recommendation;
- Y If the report recommendation is contrary to the Development Plan, the material considerations that justify the departure must be clearly stated.

6.7.2 Public representations at Committee

Development Management Committee and Strategic Planning Committee is held in public and the Council has a procedure for representations by applicants and objectors. The procedure applies only to applications for planning permission and consultations received from adjoining Councils that are to be determined by the Committee where the application is recommended for approval or 'grant'. It does not apply to applications, which are recommended for refusal or those to be determined by the Chief Planning Officer under his delegated powers. The case officer dealing with the application will be able to say how the application is being determined and by whom, although in some instances this can change, where, for example, the nominated party member requests an application to be considered by the Committee.

The procedures to be applied are as follows:

- Y No later than 5.00pm on the day before the meeting, objectors should give the Committee Administrator (Tel: 020 8424 1542 or 020 8424 1883) notice of their wish to speak.

The following criteria will be applied:

- Y Only one objector on each relevant planning application may normally address the Committee, but in exceptional circumstances two objectors may be allowed to speak;
- Y a group of objectors will be asked to nominate a spokesperson;
- Y the applicant or their agent may only make representations if an objector has addressed the committee (if there is none, the applicant or agent will not be permitted to speak);

- Y any person making representations may speak for a maximum of three minutes. On major or significant applications five minutes may be allowed, but this will be at the discretion of the committee;
- Y there will be no further verbal exchanges after the representation though members of the Committee may ask factual questions if clarification is needed.

Where the officer is recommending refusal of an application and the Committee is minded to disagree with that recommendation, the application will be deferred to the next meeting in order to allow renotification of consultees to advise them of the opportunity to make representations as outlined in this procedure.

The Committee Administrator will know whether objectors or applicants have asked to speak on an application, though the only sure way of knowing whether representations from objectors or applicants will be heard is to attend the meeting.

Copies of the agenda and reports for Development Management Committee and Strategic Planning Committee meetings are available for inspection five clear working days before the meeting. These can be viewed in the Environmental Information Centre, the library next to the Civic Centre and on the Internet at www.harrow.gov.uk.

There is also a deputations procedure which applies to all other business discussed at Development Management Committee and Strategic Planning Committee.

7.8. Making the decision

7.8.1 Making up your mind about planning applications

When members make their decisions at Development Management Committee or Strategic Planning Committee they must be able to demonstrate that all the relevant facts and arguments have been taken into account. Members must not declare the way they ~~intend~~ are minded to vote or express any opinion on the merits of the application before their attendance, and formal consideration, at the Development Management Committee or Strategic Planning Committee.

Members should ~~avoid giving~~ not give a final view on an application before the Development Management Committee or Strategic Planning Committee meeting, as this may lead to the perception that the member has fettered their discretion. This places the Council at risk from a judicial review of the decision.

Even if a member has no ~~personal or prejudicial~~ disclosable pecuniary or other type of interest in the matter, if they take a view on it prior to the Development Management Committee or Strategic Planning Committee they should not attend the committee or participate in the decision.

A ~~m~~ Member with no ~~personal or prejudicial~~ disclosable pecuniary or other interests may:

- Y Listen to and receive viewpoints from residents and other interested parties;
- Y Make comments to residents, interested parties, other members or appropriate officers provided they do not prejudice the issue and the member makes clear they are keeping an open mind;
- Y Seek information through the appropriate channels.

The overriding duty of ~~m~~Members is to the whole community not just to the people in their ward, and, taking account of the need to make decisions impartially, ~~m~~Members should not favour, or appear to favour, any person, company, group or locality.

7.28.2 Development proposals submitted by ~~Councillors~~Members [or Officers of the Council]

Serving ~~councillors~~Members who act as agents for members of the public or developers pursuing planning matters within the Council must play no part in the decision making process for those proposals.

Similarly, ~~Councillors~~Members submitting their own proposals to the Council should play no part in its processing, though they may explain and justify their proposal to an officer in advance of the Development Management Committee or Strategic Planning Committee meeting in the same way as any other applicant.

Such applications will be reported to Development Management Committee or Strategic Planning Committee for decision, not determined by Officers.

Two particular sets of circumstances that have caused problems for ~~m~~Members in the past are planning applications which involve the land of another ~~Council~~ ~~m~~Member of that ~~councillor's~~Member party. It is suggested that:

i) ~~_____~~ where a planning application includes land owned by a ~~m~~Member of the Council in a ~~m~~Member's political party, they ~~may clearly~~ have ~~an~~ ~~personal~~ interest in the matter. They should ~~also~~ consider ~~themselves to have a prejudicial interest and~~ not participate ~~ing~~ in the discussion of the application. This is clearly the safest option for members, ~~and ensures there can be no breach of the Code of Conduct:~~

ii) ~~_____~~

iii) ii) ~~_____~~ If an application is made in respect of land adjacent to or nearby land owned by another ~~councillor~~Member within a ~~m~~Member's political party, they may be able to argue that they do not have ~~either~~ ~~any~~ ~~personal~~ ~~or~~ ~~a~~ ~~prejudicial~~ interest if they have no knowledge of the scheme, or the impact on the ~~councillor~~Member other than that reported by officers, and they make no attempt to discuss the issue with anyone prior to the decision at Committee.

7.38.3 The party whip and discussions at group meetings

A decision on a Committee planning application will take place at the meeting of the Development Management Committee or Strategic Planning Committee when all available information is to hand. This does not prevent ~~m~~Members of the same party discussing proposed planning applications with each other, but a political group meeting prior to the Committee cannot be used to decide how representatives on the Development Management Committee or Strategic Planning Committee should vote. The use of the party whip to try to influence the outcome of a planning application may amount to maladministration.

7.48.4 Planning Applications by the Council in respect of Council land

The Council itself requires planning permission to carry out or authorise development on land it owns. These applications will be treated in the same way as those from private applicants.

On 15 January 2003 the Development Management Committee agreed that applications for minor development of up to 100m² of floor space on land owned, or where the Council holds an interest, may be determined under the delegated powers of the Chief Planning Officer. This delegation is subject to the proviso that the proposals, in the opinion of the Chief Planning Officer, do not conflict with agreed policies, standards and guidance.

7.58.5 Reserve members

Where a reserve member attends a Development Management Committee or Strategic Planning Committee meeting, that reserve must determine applications on their merits and cannot be mandated by the absent member.

7.68.6 Decisions contrary to Officer Recommendations

From time to time, ~~Councillors~~ Members may disagree with the advice of the Chief Planning Officer. In such cases it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the officer's advice will be clearly stated, whatever the recommendation, recorded in the minutes of the meeting and a copy placed on the application file.

The officer must be given the opportunity to explain any implications of the contrary decision.

Where an appeal arises against such a decision officers will support the Development Management Committee in preparing evidence for the appeal.

Where conditions included in an officer report are amended by the Committee, an officer should be asked to draft the new conditions and these will be approved by the Chair and nominated members via the non-Executive Action procedure. The date of the decision in these circumstances will be the date the non-Executive Action is signed by the last signatory.

7. Complaints

Any issues or concerns arising from this Protocol can be raised with the Monitoring Officer, the Chair of Development Management Committee, the Chair of the Strategic Planning Committee or the Chair of the ~~Council's Standards Committee~~ GARMS.

The Community & Environment Directorate also has a formal complaints system in operation which can be used if necessary.

HARROW COUNCIL

PROCEDURE NOTE:

**MEMBER SITE VISITS FOR PLANNING APPLICATIONS AND MAIN AGENDA ITEMS
DEFERRED BY STRATEGIC PLANNING COMMITTEE & DEVELOPMENT
MANAGEMENT COMMITTEE**

Notes:

- (a) The purpose of a site visit is to allow Members of the Strategic Planning Committee and the Development Management Committee to inspect the sites of deferred planning applications or main agenda items, accompanied by a Planning Officer(s).
- (b) Site visits are intended to:
 - be fact-finding exercises
 - enable officers to point out relevant features
 - enable questions to be asked on site for clarification
- (c) Site visits are not part of the formal consideration of the application and therefore public rights of attendance by neighbouring residents or other parties do not apply (*but see Note (d) below*).
- (d) A site visit will only include a visit to the application site. If a visit to an adjacent site is considered necessary this should be agreed by the Committees when the date for the site visit is selected.
- (e) Members are advised against making their own arrangements to visit applicants or objectors as they may prejudice their ability to take part in the decision-making process, or even the validity of the subsequent decision.

Procedure:**1 Prior to the Site Visit**

- 1.1 Following the decision to defer an application or agenda item for a site visit the Committee will agree (normally) a date at the end of the meeting.
- 1.2 The Planning Officer will advise the applicant's agent (or applicant where there is no agent) of the details of the site visit, enclosing a copy of this guidance note.
- 1.3 Where the applicant is not the owner of the site, he / she will be asked to advise the owner and arrange access (if required) directly with the owner.
- 1.4 The Committee Clerk will confirm the site visit arrangements in writing to Members and Officers – this may include the provision of a minibus and driver, starting from the Civic Centre, depending on the number and location of the visits and particular access requirements.
If necessary, Members are free to make their own arrangements to meet at the site.

2 The Site Visit

- 2.1 On arrival at the application site the Planning Officer will contact the owner or agent to advise of the start of the visit.
- 2.2 The Planning Officer will explain the submitted plans and proposals in relation to the site and any relevant neighbouring land.
- 2.3 The Planning Officer may ask the applicant / agent to explain any discrepancies between the drawings and what is seen on the site
- 2.4 The Planning Officer may also ask the applicant / agent to point out particular features within or adjacent to the site, or to explain aspects of the proposals, but only as an aid to the explanation.
- 2.5 Members may seek clarification from the Officer on matters relevant to the site inspection.
- 2.6 However, Members and Officers should **not** enter into a debate with the applicant / agent (or with any third party - for example, a neighbouring resident) on the merits of the application, or on possible amendments to the proposals. If Members have any concerns or suggestions about the proposals the appropriate forum for these concerns is the subsequent Committee meeting, not the site visit.
- 2.7 Members may, of course, express concerns to the attending Planning Officer, but such concerns would only be informal in nature and should not be discussed on site with the applicant / agent or any third party.
- 2.8 Amendments to a proposal should only arise following subsequent discussion between the Planning Officers and the applicant / agent or from an instruction from either Committee.

P. PROTOCOL ON THE RECORDING OF DECISIONS MADE BY OFFICERS

Introduction

1. The Council is required by law to record certain decisions made by officers. This protocol sets out which decisions should be recorded and requirements regarding publication. A suggested template for the recording of decisions is at Appendix 1. Directorates may already have, or wish to develop, their own forms based on this protocol. Legal Services can advise on the recording of decisions and/or what sort of decisions should be recorded.

Decisions which must be recorded

Decisions made under a specific express delegation

2. These decisions are ones where a particular decision has been delegated to an officer by Council, a committee, sub-committee or Cabinet. [Recording of these decisions is provided for in the Openness of Local Government Bodies Regulations 2014](#)

Decisions made under a general authorisation

3. These are decisions made under the scheme of delegations in the eC Constitution or in departmental schemes of delegations. The legislation requires that permissions or licences and decisions that affect the rights of individuals should be recorded. Examples of permissions or licences that should be recorded are set out at a – d below. Directorates may be aware of other permissions or licences that should be recorded. Legal Services takes the view that the category of decisions which ‘affect the rights of individuals’ covers only a narrow set of decisions as set out at e – g below:

- a. Highways:
 - i. Permits to undertake works on the highway
 - ii. Temporary Traffic Orders
 - iii. Permission for temporary suspension of Controlled Parking Spaces
 - iv. Street works licences
- b. Consents issued under the Land Drainage Byelaws
- c. Building Regulations approvals
- d. Licences granted in relation to:
 - i. Alcohol and entertainment
 - ii. Gambling
 - iii. Houses in Multiple Occupation
 - iv. Special Treatment Licensing
 - v. Skip, Scaffolding and Cranes
- e. Deprivation of liberty under Schedule A1 of the Mental Capacity Act 2005
- f. ‘Best interests’ decisions made under section 4 of the Mental Capacity Act 2005 which significantly affect the welfare of the individual about whom the decision is made for example:
 - i. Where they live;
 - ii. The type of care provided; and
 - iii. Who they do or do not have contact with.
- g. Decisions made under the Mental Health Act 1983 in relation to detention in hospital for assessment and/155:atment, guardianship and community

treatment orders.

How to record decisions

4. The Regulations require that the decision-making officer must produce a written record of the decision as soon as reasonably practicable after making the decision and should contain the following information:
 - a. The date the decision was taken;
 - b. A record of the decision taken along with reasons for the decision;
 - c. Details of alternative options, if any, considered and rejected; and
 - d. A record of any conflict of interest as follows:
 - i. In the case of an executive decision, any declaration of a conflict of interest on the part of a member who was consulted by the officer making the decision. Any dispensation granted should also be recorded; or
 - ii. In the case of a non-executive decision made under a specific express authorisation, any declaration of a conflict of interest on the part of a member who has declared a conflict of interest in relation to the decision.
5. A template is attached at Appendix 1. However, if a format is already in place then it can be adapted, if necessary, to comply with the requirements set out in paragraph 4 above. Each directorate should use their own system of reference numbering.

Record-keeping

6. Each record must be kept for six years. Any background papers must be kept for four years. These are statutory requirements.
7. Background papers are documents which:
 - a. relate to the subject matter of the decision, or part of the decision;
 - b. disclose relevant facts or matters on which the decision or an important part of the decision is based; and
 - c. Were relied on to a material extent in making the decision.
8. The record of the decision and the background papers are open to public inspection and must be published on the Council's website except where any of the following are involved:
 - a. Confidential information (provided by a government department on terms which forbid the disclosure of the information to the public or where disclosure is prohibited by an enactment or court order);
 - b. Exempt information (as defined under Schedule 12A of the Local Government Act 1972); and/or
 - c. In the case of executive decisions, the advice of a political assistant or **adviser_a Council officer**.

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