
REPORT OF CABINET

MEETING HELD ON 9 SEPTEMBER 2004

Chair: * Councillor Foulds

Councillors: D Ashton * C Mote
 * Burchell * O'Dell
 † Margaret Davine * N Shah
 * Dighé * Stephenson
 * Miss Lyne

* Denotes Member present
 † Denotes apologies received

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**

577. **Minute Silence:**
 Cabinet stood and observed a one minute silence in memory of the victims of the siege at school 1 in Beslan, Russia.
578. **Councillor Margaret Davine:**
 Cabinet expressed their good wishes to Councillor Margaret Davine for her convalescence.
579. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
10. Various Housing Matters	Miss Lyne	The Member indicated a personal interest in that she was a Member of the ALMO Shadow Board. She would remain in the room whilst the matter was considered and voted upon.
14. Establishment of the Harrow 14-19 Skills Centre	Foulds	The Member indicated a personal interest in that he was employed by Stanmore College. He would vacate the Chair for this item but remain in the room whilst the matter was considered and voted upon.
17. Byron Park Area Regeneration	C Mote	The Member indicated a personal interest in that he was Vice President of Harrow and Wealdstone Swimming Club. He would remain in the room whilst the matter was considered and voted upon.
23. Urgent item - Prince Edward Playing Fields Development	Burchell	The Member indicated a personal interest in that he was the Council's representative on Prince Edward Playing Fields Trust. He would remain in the room whilst the matter was considered and voted upon.
	Foulds	The Member indicated a personal interest in that he was employed by Stanmore College. He would vacate the Chair for this item but would remain in the room whilst the matter was considered and voted upon.

580. **Minutes:**

RESOLVED: That the minutes of the meeting held on 29 July 2004, having been circulated, be taken as read and signed as a correct record.

581. **Arrangement of Agenda:**

The Chair indicated that he was prepared to consider the note from the Budget Review Working Group meeting held on 2 September 2004, as a matter of urgency, to enable Cabinet to consider the Group's views on the budget consultation process at the earliest opportunity and prior to their consideration of a full report on 14 October 2004. He advised that he was also prepared to consider a tabled Part I item on the Post Office Closure Programme, as a matter of urgency, in order to meet the tight consultation timescale set by the Post Office. Members noted that the Chief Executive would also make an oral report in Part II of the agenda on this matter.

The Chair further indicated that the Chief Executive would be tabling a confidential report on the Harrow Town Centre Development, which required consideration as a matter of urgency in order to meet the necessary timescales.

Members noted that the Chair was also prepared to consider the confidential report on Prince Edward Playing Fields Development, as a matter of urgency, to allow the re-building work to start as quickly as possible in order to achieve completion in Summer 2005. Members noted that it had not been possible to finalise the report until details had been received from the developer.

RESOLVED: That all business be considered with the press and public present with the exception of the following items for the reasons set out below:-

<u>Item</u>	<u>Reason</u>
21. Business Transformation Partnership	The report contained exempt information under Paragraph 8 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained confidential information about expenditure proposed to be incurred by the Authority under a particular contract.
22a. Urgent item - Post Office Closure Programme	The report contained exempt information under Paragraph 12 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained confidential information about advice received in connection with the determination of any matter affecting the Authority.
22b. Urgent item – Harrow Town Centre Development	The report contained exempt information under Paragraph 9 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained confidential information about terms proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property.
23. Urgent item - Prince Edward Playing Fields Development	The report contained exempt information under Paragraphs 7 and 9 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained confidential information about the financial or business affairs of a particular person (other than the Authority) and the terms proposed to the Authority in the course of negotiations for the disposal of land.

582. **Petitions:**

RESOLVED: To note that no petitions had been received.

583. **Public Questions:**

RESOLVED: To note that no public questions had been received.

584. **Gerald Balabanoff:**
Each of the Group Leaders paid tribute to Gerald Balabanoff, the Borough Solicitor, who was retiring after 18 years with the Authority. Members conveyed their thanks for his valuable, unbiased and balanced advice.
- Particular mention was made of Mr Balabanoff's role in the preservation of Harrow Magistrates' Court.
- Gerald Balabanoff thanked Members for their tributes.
585. **Tony McNulty MP:**
The Chair drew Cabinet's attention to the promotion of Tony McNulty MP to the post of Senior Transport Minister.
586. **Forward Plan 1 September - 31 December 2004:**
- RESOLVED:** To note the contents of the Forward Plan for the period 1 September – 31 December 2004.
587. **Reports from the Overview and Scrutiny Committee or Sub-Committees:**
- RESOLVED:** To note that no reports had been received.
588. **Audit Commission Report - Public Realm Maintenance Services - Stage 2 Inspection:**
The Chair welcomed the Neil Williams, Rhonda Wootten and David Summersgill, Inspectors employed by Deloitte's to provide Inspection Services commissioned by the Audit Commission, to the meeting. The Inspectors circulated a presentation to Cabinet, which outlined the key findings from their Stage 2 Inspection of the Public Realm Services. Members were asked to note that the results of the inspection did not contribute to the Comprehensive Performance Assessment score.
- Rhonda Wootten detailed the main findings of the inspection and Neil Williams advised that the Stage 3 inspection would take place in 2005. He thanked Members and Officers for their co-operation during the inspection.
- In response to a Member's question, David Summersgill advised that there was an onus on the Authority to demonstrate that value for money had been considered.
- The Portfolio Holder for Environment and Transport confirmed that there was a dedicated call centre for each of the operational areas but requested that officers check that the Civic Centre switchboard was aware of the various call centre telephone numbers.
- In response to a question in relation to the collection of grass cuttings, the Area Director (Urban Living) indicated that he would discuss this matter with the Member concerned outside of the meeting.
- The Chair indicated that staff were to be congratulated on their success in winning several awards in the area of public realm maintenance.
- RESOLVED:** That the report be noted.
- Reason for Decision:** To note progress in respect of the New Harrow Project Public Realm Maintenance Services improvement.
589. **Presentation on Performance Management:**
Members received a presentation on Performance Management from the Director of Organisational Performance. Officers from Aglysis were also in attendance. Members noted that it was recommended that Cabinet act as a Performance Board periodically to provide leadership on Performance Management and a coherent strategic view of the Council's performance.
- The Director of Organisational Performance drew Members' attention to the Strategic Performance report, which had been circulated on the second supplemental agenda. He reported that officers were trying to take a holistic and balanced look at performance and he outlined the balanced scorecard. He added that by 31 March 2005, each department would have a service plan and strategic performance report in place. By 4 October 2004, performance information would be available to all managers on the intranet.

Members endorsed the proposals and the format and style of the Strategic Performance report and conveyed their congratulations to the Director of Organisational Performance and his team for their work. Members requested that there be further consideration of the dates that Cabinet would meet as the Performance Board due to conflicts with the budget setting process each February and possible changes of Cabinet membership each May and Administration every four years.

RESOLVED: (1) That Cabinet meet once a quarter in its role as "Performance Board" for the purpose of receiving and considering a strategic performance report;

(2) that the terms of reference for its Performance Board role, attached at Appendix A to the report of the Director of Organisational Performance, be approved.

Reason for Decision: To enable Members to form a coherent strategic view of the Council's performance in achieving corporate priorities and to provide leadership on performance management.

(3) That quarterly performance indicator reports and quarterly reports on the Council's Improvement Plan no longer be submitted to Cabinet;

Reason for Decision: Key issues from these reports would be addressed in the new Strategic Performance report.

(4) That the framework for the Strategic Performance Report and the wider approach to Performance Management across the Council contained in the presentation by the Director of Organisational Performance be approved.

Reason for Decision: To improve performance management across the Council.

590. **Key Decision - Various Housing Matters:**

Members considered the report of the Chief Executive which advised that as the Housing Revenue Account 2003/4 was being closed, a serious overspend against the Housing Repairs Budget had been revealed. Following the outcome of the investigation, the Chief Executive had authorised a further disciplinary investigation and the senior manager concerned was suspended. The report updated Members on various issues, gave the outcome of the disciplinary investigation and commented on the overspend within the Housing Revenue Account.

The Chief Executive reported that, as detailed briefings had already been provided to the three party Leaders, she wished to draw Members' attention to the re-tendering of the maintenance contracts and advised that she proposed option 3, as set out in paragraph 6.10 of her report, for dealing with the remaining issue of £194,000.

An amendment in the name of Councillor Burchell was moved, put to the vote and it was

RESOLVED: That (1) the various actions that had taken place be noted;

(2) the action detailed in option 3 (paragraph 6.10) and Section 6 to the report of the Chief Executive to balance the housing repairs budget, and the re-tendering of maintenance contracts as described in paragraph 5.3 of her report, be approved; and

(3) the report be referred to the Tenants' and Leaseholders' Consultative Forum for consideration.

Reason for Decision: To keep Members informed of various housing issues and advise on the implications of the overspend within the Housing Revenue Account.

(See also Minute 579).

591. **Progress Report on Social Care Financial Management:**

The Executive Director (Business Connections) introduced the report which advised Members on the progress made since the previous report to their meeting in February 2004.

In response to a question in relation to the financial stability of the Primary Care Trust (PCT), the Executive Director (Business Connections) reported that he understood that the PCT were in a position to pay off potential debts. He advised that it was his intention to submit a report to a future meeting of Cabinet on this issue shortly. The

Director of Financial and Business Strategy added that there had been considerable progress with the PCT and that a review of debt across the Council was underway.

The Executive Director (Business Connections) undertook to discuss and clarify the cost of secure units with a Member who expressed concern in relation to this matter outside of the meeting.

The Portfolio Holder for Finance and Performance Management requested that thanks be conveyed to the Group Manager, People First Finance, and her team for all their work.

RESOLVED: (1) That the progress made to date be noted and to note the developments planned for 2004/5;

(2) that the budgets, as set out in the budget book summary attached at Appendix 1 to the report of the Executive Director (Business Connections), be approved.

Reason for Decision: To advise Members on the progress made to date and to seek approval for the revised Social Care Budgets.

592. **Local Government Ombudsman Finding of Maladministration:**

The Executive Director (People First) introduced the report which advised that the Council needed to respond to the Ombudsman following a finding of maladministration and explain what action it had taken or was intending to take. He advised Members that it had taken 18 months for the Ombudsman to conclude this investigation.

RESOLVED: That the recommendations made by the Ombudsman be agreed as follows:-

- The Council fund a re-assessment by an independent agency of the needs of the person with learning disability
- An ex gratia payment of £500 be offered to the complainant
- The management of complaints between partner agencies in the NHS and the Council be strengthened in accordance with awaited Department of Health guidance.

Reason for Decision: Council was required, under Section 31(2) of the Local Government Act 1974, to consider the report and to tell the Ombudsman, within 3 months of receiving it, the action taken or proposed to be taken.

593. **Development of a Multi-Agency Strategy for Services to Refugees and Asylum Seekers:**

The Executive Director (People First) introduced the report and presented the draft Strategy for formal noting prior to its circulation to other stakeholders. The Strategy had been developed through detailed work with departments and other agencies. He added that the report drew attention to untapped funding to support the strategy and advised on the strategic issues around fragmentation and other matters.

An amendment in the name of Councillor Foulds was moved, put to the vote and it was

RESOLVED: (1) That the draft Strategy be noted and circulated to all other key stake-holding organisations for their formal comment and endorsement and to seek their assistance in drawing up a more substantial Action Plan;

(2) that, following comment and endorsement by stakeholders, the Cabinet receive the final Strategy for approval and onward transmission to the Harrow Strategic Partnership.

Reason for Decision: Formal approval of the draft Strategy was required before it could be circulated to other stakeholders for their consideration and endorsement.

594. **Key Decision - Establishment of the Harrow 14-19 Skills Centre:**

Councillor Navin Shah took the Chair for this item in place of Councillor Foulds who had indicated a personal interest.

The Executive Director (People First) introduced the report, which sought Member approval for the development of a training base for the Harrow 14-19 Skills Centre. The Executive Director (People First) advised that the Centre would broaden the access of students to a range of courses not currently provided in Harrow, but he

emphasised that the business case was contingent upon securing sponsorship. He also drew Members' attention to the proposed new report format, which had been devised following their comments at Cabinet in July 2004.

In response to a Member's concern about young people attending a centre on the Depot Site, the Portfolio Holder for Partnership and Property advised that a risk assessment had been carried out and the issues arising from that assessment had been taken on board.

The Portfolio Holder for Education and Lifelong Learning congratulated officers and Members from all parties for their assistance in persuading the Learning and Skills Council to increase their contribution.

In supporting the new report format, Members commented that paragraphs should be numbered, that supporting information should appear on the website as well as in the Group Offices and that a paragraph to address current/future budget demands be included.

RESOLVED: (1) That, subject to the relevant planning approvals being obtained and funding being secured, the redundant Council archive store, part of Unit 4, on the Central Depot site be released and developed into a training base for the Harrow 14-19 Skills Centre;

(2) that the Learning and Skills Council contribution of £300,000 be acknowledged;

(3) that officers work with the Learning and Skills Council, Schools and Colleges and local businesses to secure contributions and sponsorship.

Reason for Decision: The Skills Centre would be a key element of the 14-19 provision in Harrow and would increase opportunities across the 14-19 learning and skills agenda. It would contribute to the corporate priority to promote Harrow as a centre of lifelong learning by offering the highest quality education service, by raising aspirations and outcomes of achievement, and by providing activities for cultural, artistic and leisure pursuits which reflect the profile and interests of all communities.

(Note: at the conclusion of this item, Councillor Foulds resumed the Chair).

(See also Minute 579).

595. **Appointment of LEA Governors:**
The Chair advised Members that this item had been withdrawn from the agenda.

596. **Under One Sky (Carnival / Mela):**
The Executive Director (People First) introduced the report which advised Cabinet on ways of furthering the Cultural Strategy Action Plan's proposal to "facilitate...a carnival steering group to assist community groups in an annual carnival reflecting local diversity". He reported that the proposed title, 'Under One Sky', was drawn from the Millennium.

The Executive Director (People First) drew Members' attention to the sentence contained in the report 'to ensure aspirations are realistic' given officer capacity.

The Portfolio Holder for Education and Lifelong Learning undertook to discuss any issues with the Nominated Members but indicated that the project was at an early stage.

The Portfolio Holder for Planning, Development, Housing and Best Value advised that he would circulate the date of an event being held by the Chinese Community in Harrow Town Centre. He advised Members that there would be a 'switching on' of lights in the town centre for Diwali and Christmas.

RESOLVED: (1) That a Steering Group, with the membership and remit set out in paragraph 6.13 of the report of the Director of Learning and Community Development's, report be approved;

(2) that funding of £25,000 be made available to appoint a temporary Project Co-ordinator;

(3) that the event be developed as the "Under One Sky" proposal for the reasons outlined in the report of the Director of Learning and Community Development.

Reason for Decision: Approval would enable officers to progress the development of the event through the formalisation of community participation in a Steering Group and the appointment of a Project Co-ordinator, both of which were urgently needed for the successful delivery of the event by Summer 2005.

597. **Byron Park Area Regeneration:**

The Executive Director (Urban Living) introduced the report and advised that work had been on-going for some time to finalise proposals for the development of the Driving Centre and Swimming Pool sites adjacent to Byron Recreation Ground. He reminded Members that, in July 2004, Cabinet had agreed that the indoor Tennis Centre also be located on this site as would a number of other facilities.

The Portfolio Holder for Planning, Development, Housing and Best Value outlined the prospects for development and offered to visit the site with opposition group Cabinet Members. The Portfolio Holder for Environment and Transport advised of his support for the master planning and emphasised the need to get local people to use the facilities.

A Member suggested that the Council might wish to contact the Amateur Swimming Association (ASA) in relation to the development of the outdoor pool, as he understood that funding was available. It might be possible to convert the pool to Olympic size, which would be advantageous to the Borough if London were to be successful in its 2012 Olympic bid.

RESOLVED: (1) That the principle of master planning the proposed redevelopment of the Byron Park area to achieve sustainable development be approved;

(2) that the proposal to upgrade Byron Park and environment around the Harrow Leisure Centre be approved, in principle, and that such improvements be steered by the relevant Portfolio Holders, subject to further consideration of costed proposals at a future meeting.

Reason for Decision: To enable design and development work to continue without delay.

(See also Minute 579).

598. **ODPM Evaluation of Planning Performance:**

The Executive Director (Urban Living) introduced the report, which informed Members of the outcome of the investigation of the Office of the Deputy Prime Minister (ODPM) into the Council's performance as Local Planning Authority, and proposed actions arising as a result. He advised that the criticisms levelled at the Council were taken seriously and added that the ODPM had requested that the Chief Executive take responsibility for endorsing the trajectory. The Executive Director (Urban Living) drew Members' attention to the reference from the Development Control Committee, which had been circulated on the third supplemental agenda.

The Executive Director (Urban Living) reported that since receipt of the letter from the ODPM, performance had improved significantly. It was, however, essential to ensure that performance was sustained and he added that dealing with non-delegated applications was a key issue.

The Executive Director (Urban Living) stated that there was now a mechanism in place to tackle this area of poor performance. The Chief Executive indicated that, given the current planning performance, she would have no difficulty in writing to the Minister in the terms sought within the next 4-5 weeks.

RESOLVED: To note the report, confirm the Council's commitment to improvement and to endorse the proposed actions set out in the report of the Chief Planning Officer.

Reason for Decision: To inform Members of the ODPM concerns and action being taken to address them.

599. **Confirmation of Article 4(2) Direction - Little Common Conservation Area:**

Members considered a report, which sought confirmation of the Article 4(2) Direction made on 17 June 2004, covering properties within the Little Common Conservation Area, intended to remove various permitted development rights relating to various works.

RESOLVED: That the Article 4(2) Direction made on 17 June 2004, covering the Little Common Conservation area be confirmed and that various permitted development

rights for development which would front the highway, waterway or open space be removed.

Reason for Decision: To ensure the Article 4(2) Direction did not expire and remained in effect.

600. **Urgent item - Budget Consultation Process:**

The Portfolio Holder for Finance and Performance Management introduced the note from the Budget Review Working Group in relation to the budget consultation process. He advised that the Group had agreed to set up an all party Working Group to consider the parameters of the consultation.

RESOLVED: To note that the parameters of the consultation would have to be set and the questions agreed.

Reason for Decision: To keep Cabinet informed of the views of the Working Group in relation to the budget consultation process.

601. **Urgent item - Post Office Closure Programme:**

The Chief Executive tabled a briefing paper on the Post Office Closure Programme and advised Members of the short timescale in which to respond to the Post Office Consultation. She reported that the scrutiny process was set out in the briefing paper and that the closing date for the consultation was 13 October 2004.

Members expressed concern at the short timescale for the consultation. The Chief Executive suggested that the proposed way forward be discussed in Part II of the agenda.

RESOLVED: That the report be noted.

Reason for Decision: To keep Members informed of Post Office Closure Programme.

602. **Business Transformation Partnership:**

Members considered a confidential report from the Executive Director (Business Connections) in relation to the Business Transformation Partnership.

RESOLVED: That the shortlisting of potential partners for the Business Transformation Partnership be delegated to the Finance and Performance Management Portfolio Holder following consultation with the ICT Members Group.

Reason for Decision: To facilitate the progression of the procurement process of an incremental strategic partner and minimise risk of delay to the process so that the work outlined in the approved ICT Strategy could be delivered.

603. **Urgent item - Post Office Closure Programme:**

The Chief Executive gave a confidential oral report setting out her proposals for the Council's response to the Post Office consultation. She added that, due to the tight timescales, it would not be possible to wait until the next Cabinet for authority to proceed with the proposed course of action but that she would consult with the 3 party Leaders.

RESOLVED: That the proposed way forward, detailed by the Chief Executive, be approved.

Reason for Decision: In order to respond to the Post Office consultation within the specified timescale.

604. **Urgent item - Harrow Town Centre Development Issues:**

The Chief Executive tabled a confidential report outlining development issues in relation to Harrow Town Centre.

RESOLVED: That it be agreed in principle that the assurance sought by Transport for London be given for the reasons outlined by the Chief Executive in her report.

Reason for decision: To facilitate progress of the re-development.

605. **Urgent item - Prince Edward Playing Fields Development:**

Councillor Navin Shah took the Chair for this item in place of Councillor Foulds who had indicated a personal interest.

Members considered a confidential report from the Director of Professional Services (Urban Living) in relation to the Prince Edward Playing Fields Development.

RESOLVED: (1) To note and agree the terms and conditions for a revised lease as set out in the report of the Director of Professional Services;

(2) that any subsequent changes to the lease which might be required be agreed by the Director of Professional Services following consultation with the Portfolio Holder for Partnership and Property.

Reason for Decision: To facilitate a restart on site and the completion of the Prince Edward Playing Fields Project.

(Note: at the conclusion of this item, Councillor Foulds resumed the Chair).

(See also Minute 579).

606. **Extension and Termination of the meeting:**
In accordance with the provisions of Executive Procedure Rule 22.2 (Part 4D of the Constitution) it was

RESOLVED: To continue the meeting until 10.15 pm.

(Note: The meeting, having commenced at 7.30 pm, closed at 10.11 pm).

(Signed) COUNCILLOR A T FOULDS
Chair