
REPORT OF CABINET

MEETING HELD ON 19 JUNE 2008

Chairman: * Councillor David Ashton

Councillors: * Marilyn Ashton * Barry Macleod-Cullinane
* Miss Christine Bednell * Chris Mote
* Tony Ferrari * Paul Osborn
* Susan Hall * Mrs Anjana Patel

* Denotes Member present

[Note: Councillors Krishna James, Paul Scott and Bill Stephenson also attended this meeting to speak on the item indicated at Minutes 437 and 439 below].

PART I - RECOMMENDATIONS

RECOMMENDATION I - Key Decision - Best Value Performance Plan 2008/09

The Portfolio Holder for Performance, Communication and Corporate Services introduced the report, which submitted the draft Best Value Performance Plan for approval prior to publication. He advised that the duty to publish a Best Value Performance Plan was to be abolished by the Local Government and Public Involvement in Health Act 2007 but that in March 2008 the Department for Communities and Local Government had announced that authorities were required to publish a final plan by 30 June 2008.

The Portfolio Holder drew attention to indicators 212, 201 and 109 (a), (b) and (c) and advised that, in relation to recycling, Harrow was now one of the top five performers in London.

Resolved to RECOMMEND: (to Council)

That the Best Value Performance Plan be approved and adopted.

Reason for Recommendation: To ensure that a compliant Plan was published by the statutory date.

PART II - MINUTES434. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
13. Key Decision – Relocation of Belmont Synagogue	Councillor David Ashton	The Member declared a personal interest in that he was a member of Stanmore Synagogue which was affiliated to the same united Synagogue as Belmont Synagogue. The Member remained in the room whilst the matter was considered and voted upon.
	Councillor Marilyn Ashton	The Member declared a personal interest in that she was a member of Stanmore Synagogue which was affiliated to the same united Synagogue as Belmont Synagogue. The Member remained in the room whilst the matter was considered and voted upon.

435. **Minutes:**

RESOLVED: That the minutes of the meeting held on 15 May and the special meeting held on 21 May 2008, be taken as read and signed as correct records subject to the following amendments:-

- (i) Minute 407 of 15 May 2008 be amended to include the following paragraph at the end of question 3:

“Since KLOE 3.2 says that the organisation manages its asset base to ensure value for money, why is the Council not inviting bids from interested organisations?”
- (ii) The correct spelling of Councillor Barry Macleod-Cullinane’s name.

436. **Arrangement of Agenda:**

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>
17. Key Decision – Extension of Vehicle Contract - Hire and Maintenance Contract	The report was exempt from publication under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).
18. Key Decision – Leisure Connection Ltd/Leisure in the Community Ltd, Novation and Variation of Management Agreement at Harrow Leisure Centre, Bannister Sports Centre and Hatch End Pool and Lease at Harrow Leisure Centre	The report was exempt from publication under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

19. Key Decision – Commissioning of Information, Finance and Guidance (IAG) Contract
- The report was exempt from publication under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

437. **Petitions:**

Councillor Paul Scott presented a petition containing 8 signatures. He read the terms of the petition to the meeting which were as follows:-

“Re: High Road Harrow Weald

We, the below signed, wish to complain to the Council of the following:

1. Cars making illegal U turns into our private property in order to avoid travelling to the top of the High Road to use the roundabout on the Uxbridge Road to head southwards.
2. The above is causing congestion, risk of accident, nuisance and damage to our private property and risk of injury to those on our private property not expecting cars, some travelling at speed, illegally pulling into our private driveways.
3. The vibrations caused to our properties by moving traffic along the High Road. Damage, movement and suggested subsidence is being caused to our properties due to the increasing vibrations being caused.
4. Speeding along the High Road is making it dangerous to enter or exit our own private driveways.

We seek that immediate action be taken to resolve the above concerns. We will seek legal advice for damages should it become apparent that the vibrations have caused structural damage to our homes.”

RESOLVED: That the petition be received and referred to the Portfolio Holder for Environment Services and the Traffic and Road Safety Advisory Panel for consideration.

438. **Public Questions:**

RESOLVED: To note that the following public questions had been received:

1.

Questioner: Yvonne Lee, Harrow Mencap

Asked of: Councillor Barry Macleod-Cullinane, Portfolio Holder for Adults and Housing

Question: “The recent CSCI inspection rated learning disability services as poor. Whilst welcoming the recent changes in HLDT and the directorate as a whole it must be acknowledged that service users their carers and Harrow Mencap have made several representations to Councillors as to how poor the services were becoming, with little or no response in fact if one was cynical may considered more than coincidence that the recent improvements were made to coincide with the CSCI inspection. How will the Council ensure that the lack of accountability that was allowed to develop will not reoccur?”

Answer: I am pleased that you acknowledge recent improvements in Learning Disability Services. Thank you for your contribution to these improvements.

I do acknowledge that stakeholders had expressed concern over time about the service prior to new management arrangements

being put in place.

Let me be absolutely clear that the Councils commitment to improve this service is driven by our focus on needs of users and not by an inspection process.

The improvement plan for the service is a crucial part of our recently agreed 'Your future, Our Future' programme. We have strong accountability for this programme.

We are going to be looking at

- (a) Monthly reporting of progress through the Adults and Housing Programme Board to the Corporate Director.
- (b) Weekly updates to the Divisional Director, Community Care.
- (c) Monthly review by myself with the Corporate Director.
- (d) Regular review by CSCI.
- (e) Most importantly we are developing strong service user engagement to make sure improvements are felt by those receiving the service.

I can assure you that we have no intention of losing focus on improving this service.

Supplemental Question: Can we have a real commitment from the Council that all future correspondence will be written in an accessible format?

Answer: Very much so and if you would like to sit down with me at some stage to go through that documentation showing why it is wrong and how we need to improve it I would be happy to do so.

2.

Questioner: Brian Stoker

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnerships and Finance

Question: "In the matter of Cedars Hall development, the Council key decision of 21st May was based on a report that stated that the Council had taken legal advice regarding breaking the covenant preventing building on the site. From which legal firm or partnership was this obtained, and at what cost to the Council?"

Answer: Advice was provided by the Council's in-house legal practice, whose costs are met from the Revenue Budget and no specific cost was identified for this particular piece of work.

Additionally, Counsel's opinion was obtained from Falcon Chambers. The cost of this was £1,000 plus VAT (total £1,175).

Supplemental Question: Did you take advice from the same source about the 1906 open space status of the land?

Answer: I will have to check the position and come back to you.

3.

Questioner: Frances Pickersgill

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnerships and Finance

Question: “At the last cabinet meeting on 21 May, a petition on the issues concerning the future of Cedars Hall was received by the Cabinet. The Cabinet constitution says that relevant public petitions will be taken into account during decision making.

In fact the petition was not referred to at all during the presentation of the case for decision. As Chair of the meeting, why did you allow the Committee constitution to be defied in this way?”

Answer: The issues set out in the petition regarding Cedars Hall, presented to Cabinet on 21 May, had been raised by residents, at the residents' meeting, or as part of other communications with the Council.

The officer report and the subsequent decision taken by Cabinet, therefore, in my opinion, took account of relevant issues.

There is no requirement for a petition to be explicitly referred to during Cabinet deliberations, and in no way did I defy the Constitution, as suggested.

4.

Questioner: Ann Freeman

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnerships and Finance

Question: “Is Cabinet happy that, remembering the stress that was caused to disabled people in Harrow because of the oversight of a consultation the first time that changes were being proposed for Wiseworks Enterprises, that there appears to be no consultation planned with those affected by proposed changes to 'Harrow Consortium for Adults with Special Needs'?”

Answer: Support for Living is the new name of the organisation which manages residential provision for adults with learning disabilities and mental health issues for both the Council and the PCT.

Support for Living was formed as a result of the merger of the Harrow Consortium of Special Needs and Ealing Consortium of Special Needs in the summer of 2007.

Proposals relating to the future management arrangements for residential provision in Harrow will be the subject of a report to Cabinet in July.

Any proposals to make changes to the current services delivered through Support for Living would be subject to statutory consultation with those affected.

Supplemental Question: Did you know that when the Cabinet initially approved the Harrow Consortium of Special Needs (HCSN) business plan in 2006, the HCSN were already in negotiation with Ealing Consortium at that time to merge but did not disclose this in their business plan so any merger will have an impact on the structure and financial projections that they presented? Residents and carers have reported negative changes to the service they are receiving.

Answer: If there are negative changes we will investigate them. There are no structural changes to service. If any were to be proposed they would be fully consulted on.

439. **Councillor Questions:**

RESOLVED: To note the following Councillor Questions had been received:

1.

Questioner: Councillor Bill Stephenson.

Asked of: Councillor Susan Hall, Deputy Leader and Portfolio Holder for Environment Services

Question: "Following the loss of the Safeway supermarket the North Harrow Shopping Centre remains in a perilous state. Just recently two major shops have closed down. Meanwhile there is no definite news about whether a new supermarket will be installed in the new development on the former supermarket site and this development although nearing completion has still not been completed. At the last meeting of Cabinet in a supplemental agenda item it was agreed to end the free first hour parking in the North Harrow Shopping Centre. In light of this information will you agree not to implement this decision at the present time and will you further agree to meet representatives of local traders, local residents and the local ward Cllrs for Headstone North and South to discuss this matter further."

Answer: The free period in North Harrow was introduced following the sudden closure of the Safeway supermarket. It was never intended to stay first hour free on a permanent basis. We are taking a view as to when to start charging again.

I am, of course, only too happy to meet with you and the representatives.

Supplemental Question: Will you consider an overall strategy for car parking to ensure equality across the borough?

Answer: One of the reasons that we have not looked at this so far is because in one of the two areas where car parking was first hour free - the good reasons for it - we knew would be coming to an end. Once we have stability in those areas, we hope to look at the whole borough.

It would cost in excess of £30,000 to change all the parking meters. We did not want to waste taxpayers' money by altering tariffs and then changing them again. We want to look at this issue as a whole.

2.

Questioner: Councillor Bill Stephenson.

Asked of: Councillor Paul Osborn, Portfolio Holder for Performance, Communication and Corporate Services

Question: "You have been quoted in the local and national press as saying 'We have been hit very heavily. We have already cut down on management, upped charges for day care charges and cut back on street cleaning' to justify plans to install vending machines offering crisps, chocolates etc in local libraries.' Bearing in mind the large under spend reported in the Cabinet papers for this evening and the report of the cross-party scrutiny report on obesity will you re-consider this decision?"

Answer: The short answer is no, I will not be reconsidering the decision.

The question is flawed on two fundamental levels. The scrutiny review report recommendations did not mention vending machines. The only time the report mentioned vending machines was on page 18 in relation to Pinner Community Centre and on page 21 in relation to the new healthy food standards.

Within the Civic Centre, I take the view that people are adults and we are going to keep the vending machines. They can make their own choice but there will be healthy options available.

If we were to put vending machines in libraries, and this has not been decided, where there would be children present, we would be responsible and only have healthy options in the machines.

The other reason this question is flawed is the fact that we had an under spend last year should not impact on revenue spend year after year. We have put a prudent budget in place and we intend to continue to budget sensibly.

Supplemental Question: I did not mention the Civic Centre in my question, I mentioned libraries.

In schools, will there only be healthy options in vending machines and would you agree that it would be a good idea if you took advice from school governing bodies?

Answer: We will have healthy options in vending machines in this building and we may have even more, or exclusively healthy options, in libraries. It is absolutely clear that where children are likely to be present that we will be responsible. However, we will also treat our staff like adults.

3.

Questioner: Councillor Krishna James.

Asked of: Councillor Susan Hall, Deputy Leader and Portfolio Holder for Environment Services

Question: "Why does the council want to take away the free parking period at Peel House Car Park. The local traders are concerned about the effect this will have on their businesses. Would it be possible to reconsider the decision?"

Answer: The first free hour in Peel House car park was introduced in 2005 in response to a petition from Wealdstone traders. I was Chair of the traders at the time. They were concerned that at the same time the High Road was closed the surface car parks were removed which caused a huge amount of stress to the businesses there.

This Administration promised to open up the High Road, which will happen at the beginning of July. By giving the first hour free, lots of people use Peel House car park. No, we will not reconsider and we will start charging from September. This Administration has now done much for the traders of Wealdstone.

Supplemental Question: I would still like to reiterate how important it is to reconsider the decision – do you not agree?

Answer: The Labour Administration caused damage to the Wealdstone traders by closing the High Road and removing the surface car parks so the least they could offer was the first hour parking free. This Administration is addressing the problems experienced by the Wealdstone traders.

440. **Forward Plan 1 June - 30 September 2008:**

RESOLVED: To note the contents of the Forward Plan for the period 1 June – 30 September 2008.

441. **Reports from the Overview and Scrutiny Committee or Sub-Committees:**

RESOLVED: To note that no reports had been received.

442. **Revenue and Capital Outturn 2007-2008:**

The Corporate Director of Finance introduced the report, which set out the Council's provisional revenue and capital outturn position for 2007-2008. She emphasised that the majority of the underspend of £4.7m was for specific reasons. The increase in the Council's balances was a positive step forward.

The Corporate Director of Finance reported that detailed work was being undertaken to review the implications for 2008/09 and that there were planned savings of £10m. The report also detailed the capital position and the proposal to carry forward projects to the value of £16m.

The Corporate Director of Finance reported that the Council had now reached a mutually acceptable agreement with the Primary Care Trust on the debt position.

Members welcomed the report and commented that the current position was a great achievement and testament to the work of officers and Portfolio Holders.

RESOLVED: That (1) the provisional revenue and capital outturn position for 2007-2008 be noted;

(2) the revenue carry forwards requests be approved;

(3) the liabilities be noted and the contributions to various provisions be approved;

(4) the forecast position for general balances be noted;

(5) the position on debt outstanding be noted and the settlements reached with partner organisations be approved;

(6) the areas that were still being finalised be noted and the strategy for dealing with any further capacity that might emerge be agreed;

(7) the implications of the outturn for 2008-09 and beyond be noted;

(8) the timetable for audit committee meetings and external audit review be noted;

(9) the carry forward on Capital Projects, as set out in appendix 2 to the report of the Corporate Director of Finance, be approved;

(10) any further decisions required in relation to the outturn for 2007-08 particularly carry forward requests and contributions to provisions and reserves be delegated to the Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance.

Reason for Decision: To confirm the financial position as at 31 March 2008.

443. **Best Value Performance Plan 2008/09:**

See Recommendation I.

444. **Council Improvement Programme:**

The Portfolio Holder for Performance, Communication and Corporate Services introduced the report, which set out the Council's improvement programme for the period up to the end of March 2011.

RESOLVED: That (1) the Council improvement programme be approved;

(2) the Portfolio Holder and Chief Executive be delegated authority to approve subsequent iterations of the Council improvement programme;

(3) the Council's key service delivery projects be approved.

Reason for Decision: The Council Improvement Programme would prioritise and sequence the authority's improvement activities in order to ensure its use of resources in the most effective way in seeking to deliver improved outcomes and services for local people.

445. **Key Decision - Strategic Approach to School Re-organisation:**

The Portfolio Holder for Schools and Children's Development introduced the report, which presented an update of the work of the School Re-organisation Stakeholder Reference Group and proposed that consultation be undertaken to change school organisation and the ages of transfer in Harrow. It also informed Cabinet of the Department for Children, Schools and Families (DCSF) consultation on Building Schools for the Future (BSF).

The Director of Schools and Children's Development reported that the Stakeholders Reference Group had advised that there had been a consensus from all schools for a change.

RESOLVED: That (1) the progress of the work of the Stakeholder Reference Group be noted;

(2) a consultation on school reorganisation be undertaken to change the ages of transfer and age ranges in community schools in Harrow, in accordance with DCSF Guidance to change community schools, with effect from September 2010. The proposed changes would establish:

- separate first schools (Reception to Year 3) as infant schools (Reception to Year 2)
- separate middle schools (Year 4 to Year 7) as junior schools (Year 3 to Year 6)
- combined first and middle schools (Reception to Year 7) as primary schools (Reception to Year 6)
- high schools (Year 8 to Year 11) as secondary schools with 6th form provision (Year 7 to Year 13)

(3) a further report be received in early 2009 outlining the comments received during the consultation and to consider whether to publish statutory notices;

(4) responsibility be delegated to the Director of Schools and Children's Development in consultation with the Portfolio Holder for Schools and Children's Development to submit a response to the DCSF consultation and an Expression of Interest for Building Schools for the Future funding in response to the DCSF guidance.

Reason for Decision: Cabinet re-affirmed their commitment to changing the age of transfer at their meeting in October 2007 and established the Stakeholder Reference Group. To exercise the local authority's statutory responsibility in relation to school organisation consultation on proposals was required. This decision would enable the Stage 1 consultation to reorganise community schools in Harrow.

446. **Key Decision - Relocation of Belmont Synagogue:**

The Corporate Director of Community and Environment introduced the report, which set out the reasons for the relocation of Belmont Synagogue and the proposed rationale for disposal of land at Wemborough Road and the garage block adjacent to the existing synagogue. He advised that the Synagogue was keen to establish a facility that was fit for purpose and in response to demographic change.

The Corporate Director of Community and Environment highlighted the options available and recommended Option 2. The arrangement would be subject to the receipt of satisfactory planning consents and a clear demonstration by the Synagogue that the reasons for the relocation were justified. The Chairman endorsed the proposal subject to the caveats detailed by the Corporate Director.

The Portfolio Holder for Major Contracts and Property advised that the Council was looking to work with all faith groups in Harrow.

RESOLVED: That the Corporate Director of Community and Environment Services be authorised to:

- (1) negotiate and conclude at the best consideration reasonably obtainable, the disposal of:
 - A) land at Wemborough Road adjacent to Cannons Community Centre
 - B) the garage block in Honister Place adjacent to the synagogue in Vernon Drive;
- (2) consider and rule on any objections received in connection with the disposal of the land at Wemborough Road following the statutory advertising;
- (3) agree the variation to the terms of the existing lease to Cannons Community Association to facilitate the access arrangements and building of a new synagogue on the adjacent land;

- (4) to authorise the Capital receipt from the sale of the Honister Place garages to be used for Affordable homes and regeneration projects.

Reason for Decision: To generate a capital receipt for the Council, giving value for money in line with the Council's Corporate Priorities (P11) and the Vision for delivering Value for Money. In particular, Capital has a revenue benefit as it reduces the need to borrow and will assist with reducing the predicted shortfall in 2009/10 (11.3). To ensure the ongoing viability of the synagogue.

(See Minute 434).

447. **Key Decision - Environmental Crime Enforcement Policy:**

The Corporate Director of Community and Environment introduced the report, which proposed an Environmental Enforcement Policy for the principal environmental crime types of fly tipping, littering, graffiti and commercial waste provision and disposal (duty of care).

The Chair moved an amendment to recommendation 2, and it was

RESOLVED: That (1) the Enforcement Policy for Environmental Crime shown at Appendix 1 to the report of the Corporate Director of Community and Environment be formally adopted;

(2) the Policy be reviewed on an annual basis, with minor amendments agreed and incorporated on an annual basis in consultation with the Portfolio Holder;

(3) where significant amendment or review was required, the Policy be referred to Cabinet for decision.

Reason for Decision: To establish a formal policy for the enforcement of environmental crime.

448. **Key Decision - Extension of Vehicle Contract - Hire and Maintenance Contract:**

The Corporate Director of Community and Environment introduced the report which set out the background to, and the reasons why, the existing vehicle hire and maintenance contract should be extended. Members noted that there was a confidential appendix to this report elsewhere on the agenda.

RESOLVED: That officers be authorised to execute the proposed Deed of Extension and Variation to the vehicle hire and maintenance contract between Harrow and Fraikin plc (set out in draft in Appendix C to the report of the Corporate Director of Community and Environment) which would extend that contract until 31 August 2017.

Reason for Decision: The extension would allow the replacement of the current spot-hire refuse collection fleet and their replacement with a uniform specification fleet at a substantial reduction in costs. The extension set out a framework within which the Council may hire other vehicles should Fraikin's prices not be the most competitive.

(See Minute 449).

449. **Extension of Vehicle Contract - Hire Contract:**

Members considered a confidential appendix to a report which appeared elsewhere on the agenda.

RESOLVED: That the appendix be noted.

(See Minutes 436 and 448).

450. **Key Decision - Leisure Connection Ltd/Leisure in the Community Ltd, Novation and Variation of Management Agreement at Harrow Leisure Centre, Bannister Sports Centre and Hatch End Pool and Lease at Harrow Leisure Centre:**

Members considered a confidential report, which set out the proposed arrangements between the Council, Leisure Connection Limited and Leisure in the Community Limited for the management of Harrow Leisure Centre, Bannister Sports Centre and Hatch End Pool.

RESOLVED: That (1) the novation and variation of the existing management agreement dated 20 December 2004 between the Council and Leisure Connection Limited for the management of Harrow Leisure Centre, Bannister Sports Centre and Hatch End Pool to Leisure in the Community Limited be authorised;

(2) authority be delegated to the Corporate Director for Community and Environment, in consultation with the Portfolio Holder for Major Contracts and Property, to agree the terms of the lease at Harrow Leisure Centre.

Reason for Decision: The Council could potentially realise National Non-Domestic Rates (NNDR) savings of £175,000 and needed to enter into the new lease to Leisure in the Community Limited and novate the management agreement to achieve this.

(See Minute 436)

451. **Key Decision - Commissioning of Information, Advice and Guidance Contract:** Members considered a confidential report, which set out an overview of the competitive tendering process undertaken to seek a new contract for the delivery of Connexions Information, Advice and Guidance to young people aged 13-19 (and up to 25 for those with learning difficulties and disabilities) and the recommended company to provide these services to Harrow young people over the next 5 years.

RESOLVED: That the new 5 year Connexions contract for Information, Advice and Guidance be awarded to CfBT Education Trust.

Reason for Decision: The results of extensive evaluation of the competitive tendering process had identified CfBT as the preferred provider of this service.

(See Minute 436)

(Note: The meeting, having commenced at 7.30 pm, closed at 8.27 pm).

(Signed) COUNCILLOR DAVID ASHTON
Chairman