



MINUTES
of the
MEETING
of the
COUNCIL
of the
LONDON BOROUGH OF HARROW
held on
THURSDAY 9 JULY 2009

Present: **The Worshipful the Mayor (Councillor Eric Silver)**
 The Deputy Mayor (Councillor Chris Mote)

Councillors:

Husain Akhtar
Nana Asante
David Ashton
Mrs Marilyn Ashton
Mrs Camilla Bath
Miss Christine A. Bednell
Robert Benson
Mrs Lurline Champagnie
Mrinal Choudhury
Golam Sobhan Chowdhury
John Cowan
Bob Currie
Margaret Davine
Mano Dharmarajah
Anthony Ferrari
Keith Ferry
Archie T. Foulds
Brian E. Gate
David Gawn
Mitzi Green

Susan Hall
Graham Henson
Thaya Idaikkadar
Nizam Ismail
Krishna James
Manji. Kara
Mrs E.M. Kinnear
Ashok Kulkarni
Jean Lammiman
Barry Macleod-Cullinane
Julia Merison
Salim Miah
Myra Michael
Jerry J. Miles
Vina Mithani
Mrs Janet Mote
Narinder Singh Mudhar
John Nickolay
Mrs Joyce Nickolay
Christopher D. Noyce

Phillip O'Dell
Asad Omar
Paul Osborn
Anjana Patel
David Perry
Raj Ray
Richard David Romain
Paul Scott
Anthony Seymour
Navin Shah
Mrs Rekha Shah
Stanley Sheinwald
Dinesh Solanki
Bill Stephenson
Mrs Sasikala Suresh
Mark A. Versallion
Thomas Weiss
Jeremy Zeid

PRAYERS

The meeting opened with Prayers offered by the
Rabbi Mendel Lew

367. MOMENT'S SILENCE:

The Mayor requested Council join him in observing a moment's silence in memory of the former Mayor's Chaplain, Rabbi Franses, who had died since the last Council meeting.

368. SCRUTINY AWARD:

The Mayor, with pleasure, ceremonially presented an award to Councillors Stanley Sheinwald and Nana Asante, Julia Smith (Harrow Association of Voluntary Services) and Lynne Margetts (Head of Scrutiny). The Good Scrutiny Award was received from the Centre for Public Scrutiny in the category Financial Scrutiny. The Mayor congratulated the recipients on their achievement and Councillor Sheinwald also spoke briefly on the award attained.

369. COUNCIL MINUTES:

RESOLVED: That the minutes of the annual meeting held on 7 May 2009 be signed as a correct record.

370. DECLARATIONS OF INTEREST:

The Mayor invited declarations of interest by Members of the Council in respect of the business on the Summons.

- (i) Item 8 – Children and Young People's Plan
Councillor Barry Macleod-Cullinane declared a personal interest in the above item as his sister was employed at a school in the borough, but considered that he could still speak and vote thereon.
- (ii) Item 17(3) – Motions: Bentley Priory
Councillors David Ashton and Marilyn Ashton declared personal interests in the above item due to the proximity of their residence to Bentley Priory, but considered that they could still speak and vote thereon.

371. MAYOR'S ANNOUNCEMENTS:

The Mayor advised that he had engaged in approximately 97 events to date, the highlight of which had been the presentation of medals to soldiers who had served in Helmand province, Afghanistan.

The Mayor also congratulated Mr Gary Crosby on being awarded an OBE in the recent Queen's Birthday Honours List, for services to music.

RESOLVED: That the report of the Worshipful the Mayor, as tabled, be noted and received.

372. PROCEDURAL MOTIONS:

The Mayor announced that he had received notice within the tabled papers of 3 amendments in respect of Motions on the Summons. These would be dealt with at the items concerned.

There were no further procedural motions from Members of Council.

373. PETITIONS:

In accordance with Rule 11, the following petition was presented by a Member of Council on behalf of petitioners:

- (i) Submitted by Councillor Mano Dharmarajah, containing 102 signatures of residents, requesting that the Council address the condition of road surfaces in Stuart Avenue, Stiven Crescent and Primrose Close.

[The petition stood referred to the Portfolio Holder for Environment Services and Community Safety].

374. PUBLIC QUESTIONS:

There were no public questions received.

375. LEADER'S ANNOUNCEMENTS:

- (i) The Leader introduced his report highlighting achievements and proposals since the last ordinary meeting.
- (ii) At the conclusion of his report the Leader responded to questions from Members of the Council.

RESOLVED: That the report of the Leader be received.

376. CHILDREN AND YOUNG PEOPLE'S PLAN:

Further to Item 8 on the Summons, the Council received Recommendation I of the Cabinet meeting held on 23 April 2009.

The Recommendation was formally moved by the Leader (Councillor David Ashton).

RESOLVED: That the Children and Young People's Plan 2009/11 be adopted.

377. REVISED HOUSING REVENUE ACCOUNT (HRA) BUDGET 2009/10 AND MEDIUM TERM FINANCIAL STRATEGY 2009/10 TO 2011/12:

Further to Item 9 on the Summons, the Council received Recommendation I of the Cabinet meeting held on 18 June 2009.

The Recommendation was formally moved by the Leader (Councillor David Ashton).

RESOLVED: That the Housing Revenue Account for 2009/10 and the revised average rent increase of 3% effective from 6 April 2009, be approved.

378. SCRUTINY ANNUAL REPORT 2008/09 AND SCRUTINY WORK PROGRAMME:

The Mayor advised that Item 10 (Scrutiny Annual Report 2008/09) and Item 11 (Scrutiny Work Programme) would be debated together. The Council accordingly received Recommendations I and II of the Overview and Scrutiny Committee meeting held on 11 June 2009.

The Recommendations were formally moved by Councillor Stanley Sheinwald (Chairman of the Committee) who highlighted two minor amendments to the Work Programme.

RESOLVED: That

- (1) the Overview and Scrutiny Committee's Annual Report for 2008/09 be endorsed;
- (2) the Scrutiny Work Programme 2009/10 be noted.

379. OPERATION AND PROVISIONS FOR CALL-IN & URGENCY 2008/09:

In accordance with Overview and Scrutiny Procedure Rule 23, which required Members to monitor annually the operation of the provisions for call-in and urgency, the Council received a report on this matter.

RESOLVED: That the operation of the call-in and urgency procedures, as reported, be noted.

380. AMENDMENTS TO REPRESENTATIVES ON COUNCIL COMMITTEES:

Under the general provisions of Rule 14.1, the Leader (Councillor David Ashton), moved proposals for various amendments to Committee memberships, as follows:

Name of Committee	Name of Councillor to be replaced	Appointee for remainder of 2009/10	Political Group holding nomination
Governance, Audit and Risk Management Committee	RESERVE: Councillor Nizam Ismail	RESERVE: Councillor Phillip O'Dell	Labour
Planning Committee	Councillor Mrinal Choudhury	Councillor Jerry Miles	Labour
Planning Committee	RESERVE: Councillor Jerry Miles	RESERVE: Councillor Mrinal Choudhury	Labour

RESOLVED: That the changes set out above be approved.

381. SPECIAL RESPONSIBILITY ALLOWANCE:

Under the general provisions of Rule 14.1, the Leader (Councillor David Ashton) moved a proposal to amend the Members Allowance Scheme to reflect a change to the level of Special Responsibility Allowance (SRA) to Band 4, in respect of the Chairman of the Licensing and General Purposes Committee.

RESOLVED: That the Members Allowances Scheme be amended, as indicated above.

382. RECOMMENDED CONSTITUTIONAL CHANGES:

Councillor Paul Osborn, Chairman of the Constitution Review Working Group, moved the Recommendations arising from the Working Group meeting held on 22 June 2009, subject to amendments contained within the tabled papers.

RESOLVED: That the proposed changes to the Constitution, as detailed in the report and tabled papers, be approved.

383. QUESTIONS WITH NOTICE:

The following question had been submitted by a Member of Council under Rule 13.2:-

<u>QUESTION BY</u>	<u>QUESTION OF</u>	<u>TEXT OF QUESTION</u>
(1) Councillor Brian Gate	Portfolio Holder for Major Contracts and Property (Councillor Tony Ferrari)	"Can you assure me and the users of West Harrow Park that the plans for the Tennis Academy will be subject to full consultation with all park users prior to any decision to the developer to submit detailed plans?"

[Notes: (i) Under the provisions of Council Procedure Rule 13.4, the question was answered orally by the Portfolio Holder;

(ii) Under the provisions of Council Procedure Rule 13.5, the Member asked a supplementary question, which was also answered orally].

384. MOTION - ONE HOUR BUS TICKET:

- (i) At Item 17(1) the Council received a motion in the names of Councillors Paul Scott and Christopher Noyce, in the following terms:

“This Council believes in affordable public transport and in the need to ensure that passengers who use “Pay As You Go” Oyster cards have a fair deal.

This Council notes that in other European capital cities bus passengers have the benefit of a time-limited bus ticket which enables them to use two or three buses within a set time without having to pay again. Further that almost a million car journeys every day in London are less than one mile in length, and supports effective ways of encouraging modal shift to public transport.

This Council views with concern, at this time of economic recession, that even short journeys in London may involve using two or three buses and can cost up to £3.00 if more than one bus is needed. The average bus journey length is 3.54km (2.2 miles, 9 stops), and that Transport for London (TfL) estimate that 16% of bus journeys on Oyster ‘Pay As You Go’ involve using a second bus within 60 minutes of the first.

This Council commends the proposal for a One Hour Bus Ticket to be available on Oyster “Pay As You Go”, enabling passengers to use more than one bus during a 60-minute period without paying more than £1.00 and instructs its Chief Executive to write to the Mayor of London promoting the One Hour Bus Ticket proposal and requesting that he instruct Transport for London to implement it as soon as possible.

This Council further instructs the Chief Executive to write to the two Harrow MPs, the Brent and Harrow Assembly Member and to ‘London Councils’ to inform them of this motion and to ask for their support.”

- (ii) Upon a vote, the Motion was not carried.

RESOLVED: That the Motion be not adopted.

385. MOTION - HARROW COLLEGE:

- (i) At Item 17(2) on the Summons, the Council received a Motion in the names of Councillors Bill Stephenson and Navin Shah in the following terms:

“This Council expresses its extreme concern and dismay at the decision by the Learning and Skills Council (LSC) not to fund the innovative and Harrow College development ‘One Harrow’.

Council believes this a body blow to the people of Harrow and an enormous betrayal of trust by the LSC:

- to the College which in good faith invested over £10 million in working their proposal up to the stage when it was accepted ‘in detail’ by the LSC;
- to all learners in Harrow, who have the right to be educated in buildings which are fit for purpose;
- to all Harrow residents as this development was a key piece in the jigsaw for the development and regeneration of the Town Centre.

Council believes that the LSC has let everyone down in a most disgraceful way and notes that the LSC is about to be abolished and all of Harrow’s colleges will once again come back into the Local Authority fold along with Harrow’s schools.

Council instructs the Chief Executive to urgently set up a meeting between senior ministers and a cross-party Harrow delegation including the two local MPs, the Brent and Harrow Assembly Member, the Harrow party political leaders and the Principal of Harrow College.”

- (ii) There was an amendment proposed in the names of Councillors Marilyn Ashton and Narinder Singh Mudhar, which sought to amend the Motion to read as follows:

“This Council expresses outrage and dismay at the decision by the Government to fund neither the ‘One Harrow’ redevelopment of Harrow College, nor the redevelopment of Stanmore College.

This Council believes this is a body blow to the people of Harrow and an enormous betrayal of trust by the Government:

- to the Colleges, which in good faith invested over £10 million in developing their proposals and getting them accepted;
- to all learners in Harrow, who have the right to be educated in buildings which are fit for purpose;
- to all Harrow residents, as the Harrow College development was a key piece in the jigsaw for the development and regeneration of the Town Centre.

This Council believes that the Government has let everyone down in a most disgraceful way.

This Council also notes that Harrow West MP Gareth Thomas continues to boast that he personally secured funding for Harrow’s colleges.

This Council instructs the Chief Executive to arrange urgently a meeting between senior Ministers and a cross-party Harrow delegation of the two local MPs, the Brent and Harrow Assembly Member, the Leader of Harrow Council and the Principal of Harrow College.”

- (iii) Upon a vote, the amendment was carried.

- (iv) Upon a vote, the substantive Motion, as amended, was agreed.

RESOLVED: That the substantive motion, as amended and set out at (ii) above, be adopted.

386. MOTION - BENTLEY PRIORY:

- (i) At Item 17(3) the Council received a Motion in the names of Councillors Marilyn Ashton and John Cowan in the following terms:

“This Council notes with great concern that the proposed Battle of Britain museum at Bentley Priory faces an uncertain future. The construction of the museum is a compulsory part of the overall plan for the site, but the severity of the recession has stifled the ability of developers to take on the project.

This Council is of the opinion that it is imperative the museum be built. As the site of Fighter Command during World War II - from where the Battle of Britain was coordinated – it is a precious and vital piece of our history. Therefore, this Council wants to ensure Bentley Priory is preserved for future generations, and to honour those who fought and died defending this country.

This Council is therefore resolved to write to the Chancellor of the Exchequer to request Government funding for the Bentley Priory development. This Council does so on the basis that:

- I. Bentley Priory is an important part of our national history, and it is unacceptable that a site of such significance is left to deteriorate. The creation of a museum is a vital way of both preserving the site and honouring its contribution.

- II. The Government sold Bentley Priory for a substantial sum of money, and then failed to make any considerations as to how to protect its heritage.
- III. We have seen banks bailed out to the tune of billions of pounds, so it is right that the Government also helps protect areas of Britain's heritage and culture which have been blighted by the recession.

This Council worked hard to ensure that establishing the museum at Bentley Priory was a key part of the planning proposals for the site, and continues to support this exciting and incredibly worthy venture”.

- (ii) There was an amendment proposed in the names of Councillors Bill Stephenson and Navin Shah, which sought to amend the Motion to read as follows:

“This Council notes with great concern that the proposed Battle of Britain museum at Bentley Priory faces an uncertain future. The construction of the museum is a compulsory part of the overall plan for the site, but the severity of the recession has stifled the ability of developers to currently undertake the project.

This Council is concerned about the security and preservation of this important site during the possibly prolonged period before this scheme can once again be put in place.

This Council is of the opinion that it is imperative that the museum be built. As the site of Fighter Command during World War II - from where the Battle of Britain was coordinated - it is a precious and vital piece of our history. Therefore, this Council wants to ensure Bentley Priory is preserved for future generations, and to honour those who fought and died defending this country.

This Council therefore instructs the Chief Executive:

- (i) to write to the Prime Minister, the Secretary of State for Culture, Media and Sport and any other relevant ministers to request Government funding for the Bentley Priory museum, in particular, to ensure that the site is made properly safe and secure.
- (ii) to enlist the support of the two Harrow MPs, the Mayor of London, the Brent and Harrow London Assembly member in support of this.
- (iii) to work with all other partners including the Bentley Priory Battle of Britain Trust to explore all possible ways of finding funding for this Museum.

This Council notes that it has worked hard to ensure that establishment of a museum at Bentley Priory was a key part of the planning proposals for the site, and continues to support this exciting and incredibly worthy venture.”

- (iii) Upon a vote, the amendment was lost.
- (iv) Upon a vote the substantive Motion, was agreed.

RESOLVED: That the substantive Motion, as set out at (i) above, be adopted.

387. MOTION - TRAVEL MOTION:

- (i) At Item 17(4) on the Summons, the Council received a Motion in the names of Councillors Jeremy Zeid and Paul Scott in the following terms:

“This Council expresses serious concerns regarding the Government's ‘e-Borders’ travel database. This database is designed to track and store the details of every journey in and out of the UK by all individuals, and is estimated to have already tracked around 100 million such journeys. This Council is concerned that:

- I. The range of information stored – which includes travel itineraries, phone numbers, seat reservations, e-mail addresses, travel companions and credit card details – makes this database dangerously open to abuse, by both the State and any other parties who may obtain its content. For example:
 - a) Large scale credit card fraud and e-mail scams are likely to have a greater chance of success as the result of the range of information the database will contain.
 - b) Potential thieves will know precisely who is out of the country, away from their homes and businesses, and for exactly how long.
 - c) State agencies could also use this information to conduct warrantless and covert searches while the home-owner is out of the country.
 - d) In the event of a burglary due to a data-leak, the home-owners insurers may refuse to pay out as information given out was a contributory factor.
 - II. The Government's appalling track record on data security makes a database of this nature a worrying prospect.
 - III. The Government has offered no guarantees that the information in this database will not be shared between Departments that might otherwise be unable to obtain such information, and originally tried to exclude it from the Data Protection Act by inserting a now deleted clause into the Coroners and Justice Act.
 - IV. The lack of any significant public consultation on this database, combined with the hurried and poorly publicised nature of its implementation, means that the Government and its agencies have not satisfactorily considered the arguments against it, and have dismissed the ramifications for ordinary people.
 - V. This database is another example of the Government attempting to monitor, regulate and inconvenience the vastly law-abiding population on specious national security and crime prevention grounds.
 - VI. This database can only deal with those who go through legal channels or who are in possession of legal documentation, thereby focusing on the law-abiding majority and doing nothing to clamp down on people actually breaking the law".
- (ii) During the debate, Councillor Stephenson raised a point of order that the Motion did not accord with Rule 15.4, in that it did not relate to a matter for which the Council had powers or duties. The Mayor put to the vote a Motion that the item be considered by Council. Upon a formal vote, this motion was agreed and the submitted Motion considered.
 - (iii) Upon a vote the Motion was carried.

RESOLVED: That the Motion, as set out at (i) above, be adopted.

388. MOTION - COUNCIL HOUSING RENTS:

- (i) At Item 17(5) the Council received a Motion in the names of Councillor Barry Macleod-Cullinane and Tony Ferrari, in the following terms:

"This Council notes that despite knowing since 30th September 2008 that its rent convergence policy would generate a 6.15% rent increase, it took until 6th March 2009 for the then Housing Minister, Margaret Beckett, to announce proposals to halve increases in rents – 8 days after Harrow had issued its rent bills for 2009/10;

This Council notes:

- a. That this whole sorry episode has created needless concern, worry and confusion amongst Harrow's tenants; and
- b. That the £7,740 cost of re-billing council rents will fall on council tenants, that an additional £10,705 of "negative subsidy" will be paid out from the Housing Revenue Account, and that an additional £9,940 has been incurred by the General Fund to review Housing Benefit entitlements associated with the reduction in rent increases; and;
- c. The unanimous support at the Tenants' and Leaseholders' Forum (special) meeting, 29th June 2009, for recovering these costs from the government;

Therefore, this Council resolves to instruct the Chief Executive to write to the new Secretary of State for Communities and Local Government (DCLG), John Denham, expressing its grave concerns at DCLG's failure to act until after almost every council had issued their rent bills despite the problem being known 6 months earlier and to seek a meeting with him to discuss the recovery of the approximately £30,000 cost of the re-billing exercise."

- (ii) Upon a vote, the Motion was carried.

RESOLVED: That the Motion, as set out above, be adopted.

389. MOTION - SEEKING ABOLITION OF THE TENANT'S TAX:

- (i) In accordance with Rule 16.1 and at Item 17(6) the Council noted the withdrawal of the Motion set out within the Summons and received the amended Motion in the names of Councillors Barry Macleod-Cullinane and Yogesh Teli in the following terms:

"This Council notes:

1. That from the total council rents to be collected in 2009-10, £6,213,840 will be paid out of Harrow's HRA to other parts of the country, as "Housing Revenue Account negative subsidy";
2. That this payment amounts to roughly £1 of every £3 of rent collected in Harrow;
3. The ongoing pressures on the Housing Revenue Account (HRA), specifically around responsive repairs, capital works and the external decorations programme;
4. That Harrow's £6-7million annual HRA negative subsidy payment, were it to be retained in Harrow's HRA, would significantly improve the quality of service that Harrow's tenants rightfully expect – and pay for;
5. That Harrow's payment of "Housing Revenue Account negative subsidy" therefore amounts to a "tenants' tax";

This Council resolves:

- (1) To campaign, including working with all other relevant organisations, for the abolition of the "HRA negative subsidy" or "tenants' tax" for the benefit of Harrow's council tenants;
- (2) That while the Government consultation on this issue – promised by new Housing Minister John Healey – is welcomed, a meeting with him will also be sought to express Harrow's grave concerns at the poor deal for our tenants of the current HRA negative subsidy regime, and to press for the abolition of the Tenants' Tax as part of the government's review of the Housing Revenue Account."

- (ii) There was a further amendment proposed in the names of Councillors Phillip O'Dell and Margaret Davine, which sought to amend the Motion to read as follows:

"This Council notes:

1. That from the total council rents to be collected in 2009-10, £6,213,840 will be paid out of Harrow's HRA to other parts of the country, as "Housing Revenue Account negative subsidy";
2. That this payment amounts to roughly £1 of every £3 of rent collected in Harrow;
3. The ongoing pressures on the Housing Revenue Account (HRA), specifically around responsive repairs, capital works and the external decorations programme;
4. That Harrow's £6-7million annual HRA negative subsidy payment, were it to be retained in Harrow's HRA, would significantly improve the quality of service that Harrow's tenants rightfully expect – and pay for;
5. That Harrow's payment of "Housing Revenue Account negative subsidy" therefore amounts to a "tenants' tax";
6. That this system was set up by a Conservative Government.

This Council:

- (i) Congratulates the Housing Minister, John Healey, for his recent announcement for the radical reform of council housing finance, which will enable councils to keep all their rental income and gain the freedom to manage their housing to meet local needs,
 - (ii) Further notes that the Minister will also be consulting on these proposals during the summer, and instructs the Chief Executive to ensure that the Council responds to this consultation after fully consulting cross-party and with all relevant groups."
- (iii) Upon a vote, the amendment set out at (ii) above was lost.
- (iv) Upon a vote, the substantive Motion at (i) above, was agreed.

RESOLVED: That the substantive Motion, as set out at (i) above, be adopted.

390. DECISIONS TAKEN UNDER THE URGENCY PROCEDURE BY PORTFOLIO HOLDERS, LEADER AND CABINET & USE OF SPECIAL URGENCY PROCEDURE:

Further to Item 18 on the Summons, the meeting received a report of the Director of Legal and Governance Services providing a summary of the urgent decisions taken by Portfolio Holders and the Leader and Cabinet, since the last ordinary meeting of Council on 2 April 2009.

RESOLVED: That the urgent decisions taken by Portfolio Holders and the Leader and Cabinet since the last Council meeting on 2 April 2009 be noted.

391. DECISIONS ON URGENT MATTERS RESERVED TO COUNCIL:

The Director of Legal and Governance Services advised of two urgent decisions he had taken in respect of matters reserved to Council, following consultation with the Leaders of each of the Political Groups, since the last meeting.

RESOLVED: That the decisions taken under delegation by the Director of Legal and Governance Services, on behalf of Council, be noted.

392. PROCEDURE FOR TERMINATION OF MEETING:

- (i) At 10.30 pm, in the course of the consideration of Item 17(4) Motions: Travel Motion, the Mayor advised that the 'guillotine' procedure had come into operation for the determination of the remaining business on the summons.
- (ii) This was applied to Items 17(5) (Motions: Council Housing Rents), 17(6) (Motions: Seeking Abolition of the Tenant's Tax), 18 (Decisions Taken Under the Urgency Procedure by Portfolio Holders, Leader and Cabinet and Use of Special Urgency Procedure) and 19 (Decisions on Urgent Matters Reserved to Council).

RESOLVED: That the provisions of Rule 10.3 be applied as set out above.

(CLOSE OF MEETING: All business having been completed, the Mayor declared the meeting closed at 10.32 pm).